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Annual Report 2020

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FOREWORD

Dear reader,

Here before you is the ninth annual report of the Protector of Citizens on the activities conducted in the performance of the activities of the National Preventive Mechanism in the Republic of Serbia which covers the reporting year 2020.

The places where persons deprived of liberty are situated are suitable for various types of torture and other forms of ill-treatment because such places are closed for outer world, so everything occurring there takes place far from the public gaze. Therefore, the extrajudicial tools of preventive type, which are based on the visits to places where persons deprived of liberty are located and monitoring how they are treated have a special importance in the prevention of torture, so that identifying of shortcomings and circumstances suitable for the emergence of any form of ill-treatment would contribute to the prevention of consequences and raise the level of protection of these persons.

The pandemic and epidemic of COVID 19 disease marked the reporting period. Namely, the World Health Organization proclaimed on 11th March, 2020 the COVID 19 pandemic and four days later the Serbian Government introduced the state of emergency in the entire territory of the Republic of Serbia with the aim of the prevention of the spreading of this infectious and deadly disease which lasted from 15th March to 6th May, 2020.

COVID-19 disease pandemic brought many challenges to all world countries, including the Republic of Serbia. In such extraordinary circumstances within which the Constitution of the Republic of Serbia allows necessary derogations from human and minority rights, what should be provided, on the one hand, were all necessary activities with regards to the employee activity organization, provision of a safe and undisturbed functioning of the institutions and implementation of the measures of protection against potential viral infection and on the other hand, it was necessary to provide for the citizens to exercise their guaranteed rights as well as functioning of the mechanism of the protection of citizens if their rights are endangered or violated.

The pandemic of COVID-19 disease especially influenced vulnerable social groups which are located in closed institutions. Namely, since these are closed institutions and institutions for the accommodation of a greater number of persons who are extremely sensitive to the potential infection spreading, persons deprived of their liberty were recognized as a group of a special risk. Therefore, competent authorities took activities with the aim of the

protection of these persons and the level of the exercise of their rights was reduced with the aim of the prevention of a potential viral infection and the prevention of their spreading at the institutions where they are accommodated. What is of special importance is that during the state of emergency the existing mechanisms of the protection of the rights of persons deprived of liberty, internal and external, such as the complaint procedure within the institutions where they are accommodated, the acting of the Protector of Citizens upon the complaint of persons deprived of liberty, the possibility of referring of persons deprived of liberty to judges for the enforcement of penal sanctions and their visits to the institutes for the enforcement of penal sanctions as well as preventive visits of the National Preventive Mechanism, were functioning.

Immediately after the introduction of the state of emergency proclaimed due to the infectious disease pandemic, the National Preventive Mechanism (NPM) issued notifications to all administrative authorities, competent for the Institutions where persons are, or may be, deprived of liberty, in which the NPM once again reminded that the prohibition of torture, inhuman or degrading treatment or punishment is absolute and that the safeguards the government takes in the suppression of COVID-19 can never result in any form of ill-treatment of persons deprived of liberty. All the stated authorities received also the statement of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) dated 20th March, 2020 which set out all the principles referring to the treatment of the persons deprived of liberty during the pandemic of the disease caused by Coronavirus and all the authorities were asked to adhere to these.

During the reporting period the NPM intensified its operation in order to investigate how at the locations of detention the measures in the fight against the spreading of Coronavirus are conducted and how in these circumstances the exercise of fundamental rights of persons deprived of liberty is ensured. Furthermore, in the period during the state of emergency the NPM opened a special telephone line which was available all 7 days a week in the period from 8AM to 10PM.

The usual methodology of the NPM during visits in this period was adjusted to the circumstances of the infectious disease epidemic. The NPM team paid visits in such manner that persons deprived of liberty and employees are not exposed to the risk of infection. The protective equipment was used, the recommended physical distance was maintained and individual interviews, where possible, were conducted via a protective glass.

In the reporting period the NPM paid 85 visits to the places where persons deprived of liberty are or may be accommodated such as: numerous police departments and police stations which they comprise, detention units,

prisons, psychiatric hospitals, Shelter for Foreigners and reception centers for migrants and asylum centers. Visits were also paid to three social welfare homes, one before the beginning of the epidemic and proclamation of the state of emergency and two at the end of the reporting period. Based on the confirmed shortcomings there were 334 recommendations issued to the competent authorities.

Furthermore, 18 oversights of the procedures of forced removal of foreigners were conducted and on the basis of confirmed shortcomings in the operation in total 10 recommendations were issued to competent authorities.

In the reporting period the NPM for the first time monitored the activities of the police during public civil gatherings in Belgrade in July.

The institutions where persons deprived of liberty are accommodated and which were visited by the NPM during the reporting period and issued recommendations to them, realized good collaboration which enabled the activities of the NPM in compliance with its mandate designated by the Optional Protocol to the United Nation Convention against Torture (enabling announced and unannounced visits to the detention institutions, access to all premises and installations, inspection of all data as well as interviewing all persons deprived of their liberty, employees and any other persons as selected by the NPM).

Nevertheless, in the reporting period the NPM could not exercise entirely its mandate at the social welfare homes, taking into consideration that the Ministry of Labor, Employment, Veteran and Social Affairs in one period, prohibited the visits of NPM, referring to the Order on the prohibition of visits and restriction of movement at the facilities of the institutions for the accommodation of the elderly¹. The NPM indicated to the competent ministry that the prohibition of the exercise of the mandate at the social welfare institutions was the violation of legal regulations, international standards, obligation of cooperation of the administrative authorities with the Protector of Citizens and its consequence is the inability to control the observance of the fundamental rights of persons accommodated at the social welfare institutions and discouraging of public authorities and officers from acting which might be characterized as ill-treatment.

The reporting period was marked by a great number of thematic visits paid by the NPM with the aim of the examination of the situation in certain fields. With regards to this, during the state of emergency the NPM paid visits with the aim of monitoring the principles of the CPT on the treatment of persons deprived of their liberty during the COVID 19 disease pandemic. Apart from the stated, acknowledging that addicts to psychoactive substances are

¹ "Official Gazette of RS" no. 28/20, 66/20 and 87/20.

a separate group within the prison population which requires a specialized approach, in the reporting period the NPM paid visits to the institutions for the enforcement of penal sanctions with the aim of determining the level of presence of this problem at the institutes and the response of the institute to it, as well as with the aim of the removal of circumstances which may be convenient for the emergence of any form of ill-treatment. In this period the NPM paid special attention to thematic visits to institutions where forensic patients are treated in order to monitor the treatment of persons at the enforcement of the security measure of mandatory psychiatric treatment and keeping at the health care institution, mandatory treatment of drug addicts and mandatory treatment of alcoholics, as well as the enforcement of adequate safeguards imposed in a misdemeanor proceedings. In the reporting period, thematic visits were paid with the aim of monitoring the treatment of unaccompanied minor migrants, as the most vulnerable category of migrant population.

The visits to police departments and police stations as parts of these administrations were focused on monitoring of the actions upon the recommendations of the CPT, which were issued after the visit to the Republic of Serbia in 2017 as well as on monitoring the treatment of apprehended and detained persons with regards to the observance of fundamental rights, which were at the same time the guarantee against the ill-treatment: the right to the access to the lawyer and doctor, the rights of a close person to be informed on the deprivation of liberty and introduction to the rights.

During the visits to police stations, the NPM confirmed progress, especially when it comes to the conditions for the staying of detained persons at the premises for detention, since a great number of premises for detention was adapted in compliance with standards. Furthermore, what is noticeable is the improvement in the treatment of apprehended and detained persons by police officers with regards to the observance of their fundamental rights, as well as the improvement of the records which police stations keep for the detained persons. As an important activity for the prevention of torture, the NPM emphasizes that the Ministry of Interior during 2020 initiated specialist trainings of criminalistic inspectors on the techniques of hearing in the interrogation of suspects, with which it is necessary to continue in the following period, too.

Nevertheless, the majority of police departments and police stations visited by the NPM still do not have separate premises for interrogation which are equipped with technical equipment for audio and/or video recording, even though the existence of these premises is one form of preventive actions and a significant measure of protection of persons deprived of liberty against potential prohibited activities of police officers. Furthermore, even though

the efforts to provide special premises for keeping temporarily confiscated items for police stations were noticed, it is necessary to continue with taking of these activities and provide at all police stations adequate premises for keeping of these items.

With regards to the rights of persons with imposed measures of remand prison who are serving the prison sentence, the NPM confirmed that the Administration for the Enforcement of Penal Sanctions continued to invest into the material conditions of the accommodation of persons deprived of liberty and increase in the capacity of the institutes for the enforcement of penal sanctions. Furthermore, what is encouraging is the fact that during a great number of unsupervised interviews with convicts or persons at the remand, they did not complain about being victims of torture or prohibited treatment by the institute staff. The improvements in the manner of documenting of injuries and conducting of the first medical examination upon the admission to the institute are noticeable. In comparison to the previous reporting period, in this reporting period there are positive examples of the institutes identified, which made the program of work engagement for persons in remand prison, but what is also noticeable is the progress in the increase of the employment of convicts. However, the stated should be developed in the entire prison system. There is still the need to provide to the persons on remand and convicts accommodated in closed departments of the prison enough available activities as well as staying during the day in common premises with other convicts and persons on remand who don't have their contacts limited due to the conducting of criminal proceedings by the court. Also, there is still the problem of insufficient number of employees at certain services of institutes as well as the training of the institute officers, especially the training for officers who perform the tasks of the treatment, and whose implementation was aggravated due to the epidemiological situation. However, then the epidemiological conditions allowed that, the Administration for the Enforcement of Penal Sanctions took over the activities in the improvement of the activities in this part and development of the capacities of institute officers for the development and implementation of new programs of rehabilitation, so the trainings of prison staff started to the topic of the implementation of new specialized programs for the group work with prisoners, which continued in 2021, too.

The shortcoming to which the NPM indicated and which is still present is that the procedure of classification of convicts is not transparent enough. The convicts do not get clearly enough the information on the criteria for the promotion to a more favorable education group, educators are predominantly occupied by administration of questionnaires. The mechanism of promotion in the treatment based on the existing criteria means aggravated

transfer of convicts to more favorable education groups, so that many convicts are released from the institute from the same education group in which they were immediately upon their reception to the institute.

In the field of psychiatry, what is noticeable is the improvement of material conditions in visited institutions and visited institutions, by acting upon the NPM recommendations, improved their keeping of the records of data on the application of the measure of physical restraint, elaborated on the available rehabilitation psychosocial activities and improved information on the rights of patients and mechanisms of their protection. However, there are still missing continuous specialistic education of the middle medical staff. There are no capacities for taking care of urgent conditions of minors, which does not provide all the patients with treatment close to their family. As in previous reporting periods, in this reporting period too, it was noticed that there is still the lack of employees at the service for the protection of the community mental health. The stated indicates to the need to intensify the activities in the de-institutionalization in the sense of abandoning of the practice of long-term keeping of patients at hospitals as well as the need for the establishment of the extra-institutional care and support in communities to persons with mental disorders (and their families), all with the aim of their care and providing of the life and treatment in the community as well as the need for the establishment of more centers for the protection of community mental health than there currently are.

The problems of users at the social welfare homes in the reporting period were, primarily, conditioned by the epidemiologic measures which as a consequence, inter alia, had the prohibition of leaving of the institution and prohibition of visits for a longer period of time, so therefore significantly limited possibility of family contact. Moreover, there is still apparent the lack of staff for the work with beneficiaries which has a negative effect on the quality of the provision of health care and psychosocial services.

During the state of emergency the NPM paid visits to reception centers for migrants and asylum center for the verification of the state and conditions in them, treatment of persons located at these centers and measures taken by the Commissariat for Refugees and Migrations (KIRS) for the purpose of the protection against spreading of Coronavirus. The NPM during the visit noticed efforts of KIRS officers to prevent the entrance of COVID-19 into the refugee and migrant population. However, the number of accommodated persons in individual centers was on the increase, since during the period of the duration of the state of emergency the migrants outside the centers were accommodated in the centers, which at the same time led to the overburdening of accommodation capacities in certain centers. On the other hand, the number of KIRS officers who work on the reception and

care of migrants was significantly disproportional to the number of migrants and numerous non-governmental organizations limited their activities and reduced or completely suspended their activities at centers during the state of emergency, which resulted in the fact that the range of activities and services at the disposal of the center beneficiaries was reduced to the minimum. With understanding and respect of the facts that all the measures taken by the Republic of Serbia were taken to the public health interest as well as the measures of the prohibition of leaving of the asylum centers and reception centers, the NPM put the emphasis on the fact that if in future our country faces a new wave of infection, which would potentially require introduction of restrictive measures, competent authorities, primarily KIRS should take measures to unburden the accommodation capacities and consider the possibility of opening of new reception centers in order to optimize the number of accommodated migrants, as well as to take the activities in the promotion of the accommodation and staying conditions in all centers.

Within the performance of the monitoring of the procedures of forced removals of foreigners, the NPM in the reporting period noticed improvements in the activities of police officers who conduct removals and who respect the integrity and dignity of foreigners, enable the realization of all guaranteed rights of foreigners and show high level of professionalism in the performance of this job. As the greatest problem in the procedure of forced removal the NPM identified that foreigners in the procedure of removal do not always have the option to indicate to the existence of the fact which would indicate to the obstructions to forced removal to a certain country, which may lead to the violation of Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In the reporting period the activities were taken on the expansion of the capacities of the Shelter for Foreigners in Padinska Skela and the works on the construction of two new Shelters in Dimitrovgrad and Plandište were completed. Moreover, the activities were taken to improve the accommodation conditions for the staying of foreigners whose entrance to the country was denied at international airports, since the works on the reconstruction of Nikola Tesla Airport included also the construction of the new premises for the accommodation for foreigners whose entrance to the country was denied. With regards to this, the NPM indicated

the standards which should be met by the facilities of this type in terms of material conditions and staying regimes.

With regards to further promotion of the treatment of persons deprived of liberty, what should also be taken into consideration is that the suppression of inadequate activities does not only refer to the adoption of corresponding legal norms, but also to taking of necessary steps so as to provide their

application. What is especially important for the prevention of torture is the urgent implementation of effective investigations on all the allegations about potential ill-treatment, adequate and timely support to all victims of ill-treatment and certainty of the punishment for the perpetrator. Also, it is necessary to develop the system of continual trainings on human rights for all who have certain treatment of these especially vulnerable groups, so that individual actions would not turn into degrading or inhuman activities.

By presenting the findings and general and individual recommendations for the improvement of the state in this field, the Report emphasizes the activities which are necessary to take in the direction of a more efficient fight against torture and promotion of the protection of human dignity.

Taking into account that the rights to the physical integrity and human dignity are in the category of fundamental human rights and that the prohibition of torture in the general international law is treated as an imperative norm which is binding for all the countries, the Republic of Serbia is obliged to conduct the activities and measures aimed at the full observance of the prohibition of ill-treatment and promotion of the condition in this field. By this report we tended to contribute to that.

I thank all the authorities, civil associations and individuals with whom we cooperated during the reporting period by performing the activities of the National Preventive Mechanism.

DEPUTY PROTECTOR OF CITIZENS
Nataša Tanjević, PhD

1. INTRODUCTION

1.1. MANDATE

By the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment² (Optional Protocol) member states agreed on the establishment of the system of regular visits to places where persons deprived of liberty are accommodated by independent international and domestic bodies with the purpose of the prevention of torture and other cruel inhuman or degrading punishments and treatments.

The Optional Protocol establishes the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Punishment and Treatment (Subcommittee on Prevention of Torture), which is authorized to visit all the places of detention and issue recommendations to member states with regards to the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading punishments and treatment.

Simultaneously, the Optional Protocol designates that every member state is obliged to have, establish or designate one or several bodies at the national level to pay visits for the purpose of prevention of torture and other cruel, inhuman or degrading punishments and treatment.

The NPM is entitled to:

- access to all data on the number and treatment of persons deprived of liberty at the detention institutions as well as the number of institutions at their location;
- access to all institutions of remand prison, their installations and facilities, of their choice;
- undisturbed communication with persons deprived of their liberty without witness presence, either in person or with an interpreter, if needed, as well as with any other person the NPM may consider appropriate to provide information of importance, of their choice;;
- contacts with the Subcommittee on Prevention of Torture, to submit data and meet with them.

² Adopted on 18th December, 2002 in New York, at the 57th session of the General Assembly of the United Nations by the Resolution A/REC/57/199 and came into force on 22nd June, 2006.

The NPM is authorized to check on a regular basis the treatment of persons deprived of liberty at detention institutions, to issue recommendations to competent authorities with the aim of the improvement of the treatment and the position of persons deprived of their liberty and to prevent torture, cruel, inhuman or degrading treatment and punishment, taking into account relevant norms of the United Nations as well as to submit proposals and issue opinions with regards to valid or proposed laws.

The state is obliged to guarantee the functional independence of the NPM and the independence of its staff as well as to make available necessary assets for the functioning of the NPM.

No body or officer may order, apply, allow or tolerate any sanction against any person or organization because they provided a piece of information to the NPM, either true or not, and no such person or organization may be considered otherwise accountable in any manner.

The relationship between the NPM and public authorities is based on the principle of trust and cooperation. The competent public authorities are obliged to review recommendations of the NPM and have a dialogue with it on potential measures of implementation.

The competent public authorities are obliged to publish and distribute annual reports of the NPM.

The Republic of Serbia signed the Optional Protocol on 25th September, 2003 and ratified it on 1st December, 2005.³

The Republic of Serbia became a State party to the Optional Protocol by submitting the ratification act to the UN Secretary General on 26th September, 2006.

In the Republic of Serbia, there was not a new NPM body established, but an authentic and complex model of the NPM was selected and it is deemed that the activities of the NPM be performed by the existing independent public body, in cooperation with the bodies of decentralized units and civil sector. The NPM was established by the Law on the Amendment to the Law on Ratification of the Optional Protocol, adopted on 28th July, 2011.⁴

³“Official Gazette of SM – International Treaties”, number 16/05, amendments 2/06.

⁴The Law on the Amendment to the Law on the Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“Official Gazette of RS – International Treaties”, number 7/11).

The activities of the NPM are performed by the Protector of Citizens in cooperation with the ombudsmen of autonomous provinces and associations whose statute stipulates as the purpose of association promotion and protection of human rights and freedoms.⁵

Furthermore, the Law on Foreigners,⁶ Article 82 prescribes that the Protector of Citizens, in compliance with the competences from the Law on the Protector of Citizens and Law on the Ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, monitors the procedure of forced removal of foreigners.

1.2. THE MOST IMPORTANT DATA ON THE ACTIVITIES IN 2020

During the reporting period, the NPM paid 85 visits to institutions where persons deprived of liberty are or may be accommodated and 18 oversights of the procedures of forced removal of foreigners. In total, 39 reports on paid visits and conducted oversights were executed. In the reports in total 344 recommendations were issued, of which 10 recommendations in the field of oversight of forced removal of foreigners.

The NPM representatives participated at two meetings of the countries of the SEE NPM Network which were dedicated to the treatment of apprehended and detained persons by the police in the first hours of the deprivation of liberty as well as monitoring of the actions upon recommendations (*follow-up*) and responses to the challenges in the exercise of the NPM mandate during the pandemics of COVID-19 infectious disease. The third meeting of the Network, which was dedicated to the treatment of the addicts to psychoactive substances at the institutions for the enforcement of penal sanctions was organized by the Serbian NPM as the chairman of the Network's Medical Group.

Moreover, three online meetings of the Working Group for Asylum and Migrations of the European Network of National Human Rights Institutions (ENNHRI) were held and the NPM representative participates in its operation.

The NPM representatives participated at the meeting of the Independent Police Complaints' Authority Network (IPCAN), which was held on 16th December, 2020.

On the occasion of the ten-year anniversary of the adoption of the UN Rules for the Treatment of Female Prisoners and Non-custodial Measures for Women Offenders, known under the name of Bangkok Rules, the NPM took part at the online meeting which was held on this occasion and indicated

¹⁵ The Law on the Amendment to the Law on Ratification of the Optional Protocol, Article 1.

⁶ "Official Gazette of RS", no. 24/18 and 31/19.

that special attention is paid to women at the institutions of deprivation from liberty, for the purpose of complete harmonization of the treatment of this especially vulnerable group of persons deprived of their liberty and valid standards, including the Bangkok rules.

On the occasion of the International Human Rights Day, 10th December, 2020, an online meeting of the Deputy Protector of Citizens and Head of the NPM with the director of the Special hospital for psychiatric diseases "Kovin" was organized to review activities on the improvement of the position of patients and protection of their rights.

With regards to international cooperation, the NPM participated in numerous international conferences organized by the Council of Europe, Association for the Prevention of Torture (APT), European Network of National Human Rights Institutions (ENNHRI), which were organized via Internet due to epidemiological situation.

In this reporting period as well, with the aim of the establishment of the continued dialog with regards to potential measures of the implementation of recommendations of the NPM and improvement of cooperation in the field of the prevention of torture, the NPM held meetings with representatives of competent ministries, administrative authorities, etc. (see more about it in Item 3.4.).

On the basis of the conducted Public Call,⁷ the Protector of Citizens selected in the reporting period the associations with which the cooperation will be established in the performance of the NPM activities and these are the following: The Lawyers' Committee for Human Rights, the Victimology Society of Serbia, A11 – Initiative for Economic and Social Rights, Center for Youth Integration, Helsinki Committee for Human Rights in Serbia and Human Rights Committee Valjevo.

⁷ Published on the website of the Protector of Citizens on 4th June, 2020.

2. METHODOLOGY, RESOURCES, AND ORGANIZATION

2.1. METHODOLOGY

The operational methodology of the Serbian NPM is primarily based on the provisions of the Optional Protocol. In its operation the NPM has exclusively preventive approach and does not control the legality and regularity of the operation of competent authorities in individual cases, but timely notifies the organizational unit of the Protector of Citizens which acts upon the complaints of persons deprived of their liberty.

The NPM methodology recognizes the following types of visits: regular, visits for the purpose of monitoring acting upon recommendations (*follow-up*), thematic and extraordinary (*ad hoc*) visits. Visits may be announced and unannounced.

Within the preparation of a visit to an institution, the existing information on the institution is reviewed. The tasks are distributed by, as a rule, distributing the team for the visit to thematic groups for each field of inspection. In order to increase efficiency in the collection of relevant information during the visit all team members are submitted in advance the working material (questionnaires, structure and models of the report parts) which is used as a guideline.

The NPM teams for visits to institutions where persons deprived of their liberty are accommodated are multidisciplinary, as a rule, consisting of experienced lawyers, psychiatrists, forensic scientists and psychologists.

Regular visits, as a rule, are paid in phases designated in advance. The first phase is the conversation with the management of the institution, the second part is the joint tour of the institution. In the third phase, representatives of thematic groups of the NPM team (legal, treatment, safety, health groups), communicate with heads of reference services and inspect relevant documentation. In the fourth phase the interviews are conducted with persons deprived of liberty and in the fifth phase, after a brief meeting of the NPM team the final conversation is held with the management of the institution in which the preliminary impressions on the visit and observed state

are presented. Acting based on designated phases is not mandatory and it depends on the type of visit and other circumstances. In the reporting period phases of visits were adjusted to the epidemiological situation and measures so that in most cases what was missing was the phase of joint tour of the institution, but most frequently one team member, under full protective equipment visited the institutions and all premises, took photos, etc.

In compliance with the operational methodology, the reports, as a rule, are executed on the basis of the structure designated in advance. However, depending on the type of visit and data which are collected during a specific visit, upon the proposal of team members, the report structure set in advance may be amended and adjusted to the visit type.

In the reports on visits to institutions where persons deprived of liberty are accommodated, the NPM designates the conditions and circumstances which may be suitable for the emergence of any form of ill-treatment and issues recommendations for the removal of noticed shortcomings. Once the shortcoming is identified, with the issued recommendation the relevant regulations and standards with to the actions should be adjusted are stated.

The reports are submitted to the visited institution and competent ministry, who, as a rule, have a deadline left during which they should issue a statement on acting upon issued recommendation with the invitation for the establishment of a dialog with the aim of reviewing of the recommendation implementation. The purpose of the dialog is to review the state in the visited institution and system as a whole, primarily with the aim of finding the best manner for the implementation of recommendations issued by the NPM after paid visits.

With the aim of maintaining of the balance between confidentiality and transparency in operation, the NPM publishes the report on the visit to an institution, where all personal data are anonymous, after the reception of the response of visited institutions and competent ministries on taken activities for the purpose of acting upon recommendations from the NPM report. Reports and responses of the authorities are published on the website of the Protector of Citizens and web page of the NPM.

2.2. NPM BUDGET

For the purposes of the performance of the NPM activities within the adopted budget of the Protector of Citizens for the year of 2020 financial funds in the amount of RSD 4,800,000 (approx. EUR 40,000) are provided.

2.3. SPECIAL NPM UNIT

In October 2018 a new Rulebook on the internal organization and job systematization at the Secretariat of the Protector of Citizens,⁸ which was approved by the National Assembly at the plenum in December of the same year. The new Rulebook renamed the NPM Secretariat to Department and a more job positions were systematized with in total six employees – three independent and three senior advisors, of whom one is the head of the Department. Also, it was designated that the head reports to the Protector of Citizens about his performance and the performance of the Department, manages the team for visits in the absence of the Protector of Citizens and Deputy Protector of Citizens in charge of the NPM activities.

Administrative and technical activities for the purpose of the NPM operation are performed by the Secretariat of the Protector of Citizens.

2.4. PARTICIPATION OF PROVINCIAL OMBUDSMAN AND CIVIL SECTOR

Pursuant to the concluded Memorandum on Cooperation,⁹ during 2020 the Protector of Citizens continued the cooperation with the Provincial protector of citizens – ombudsman of the AP Vojvodina (Provincial Ombudsman) in paying of visits to detention locations at the territory of AP Vojvodina. Representatives of the Provincial Ombudsman participated in 9 visits during 2020.

Based on the conducted public call,¹⁰ the Protector of Citizens selected the associations with which the cooperation will be established in the performance of the NPM activities and these are the following: The Lawyers' Committee for Human Rights, the Victimology Society of Serbia, A11 – Initiative for Economic and Social Rights, Center for Youth Integration, Helsinki Committee for Human Rights in Serbia and Human Rights Committee Valjevo. Representatives of these associations actively participated in the visits of the NPM paid during 2020¹¹.

⁸ Number 213-558/2018 dated 19th October, 2018.

⁹ Signed on 12th December, 2011.

¹⁰ Published on the website of the Protector of Citizens on 4th June, 2020.

¹¹ The type of the Agreement on Cooperation is in the Report section – ADDENDUM II.

2.5. EMPLOYEE TRAINING

Due to epidemiological situation, during the reporting period, the majority of employee trainings was held via the Internet.

On the occasion of the ten-year anniversary of the adoption of Bangkok rules, the NPM representatives participated in the webinar organized by the Association for the Prevention of Torture to the topic *Women and European prisons: 10 years since the adoption of Bangkok rules: where are we?*

On 26th November, 2020 the NPM representatives participated in the webinar named *The rule of law, responsibilities and rights (PRILA): research of the prison oversight*, Trinity College Dublin, and on 21st April, 2020 also in the webinar named *Monitoring at the borders, Greens/EFA group in the European Parliament*.

On 26th June, 2020 the NPM representatives participated in the webinar organized on the occasion of the International Day of Support to Torture Victims. Also, the NPM representatives participated in the webinar organized by the Association for the Prevention of Torture to the topic *Monitoring of psychiatric institutions at the time of Covid-19: challenges and good practices*, as well as the webinar to the topic of the *Do not harm principle*.

The NPM representatives participated in the webinar dedicated to the role of police in democratic society which was organized by the Council of Europe and held on 20th and 21st October, 2020.

The NPM representative participated in the lecture organized by the Faculty of Law of the International University in Sarajevo on 30th October, 2020 vial online platform. The topic of the lecture was *How institutionalization of persons with mental disability violates their fundamental human rights: legal analysis and practical reviews*.

3. MANDATE EXERCISING

3.1. VISITS TO INSTITUTIONS

During the reporting period, the NPM paid 85 visits to institutions where persons deprived of liberty are or may be accommodated. In total 48 police stations¹² were visited, 21 institutes for the enforcement of penal sanctions¹³, three social welfare homes¹⁴, three psychiatric institutions¹⁵, and also the Special Prison Hospital in Belgrade was visited. Moreover, nine visits were paid with the aim of monitoring the treatment of refugees and migrants¹⁶. In the reporting period the NPM oversaw also the police activities during public gatherings of citizens in Belgrade in July.

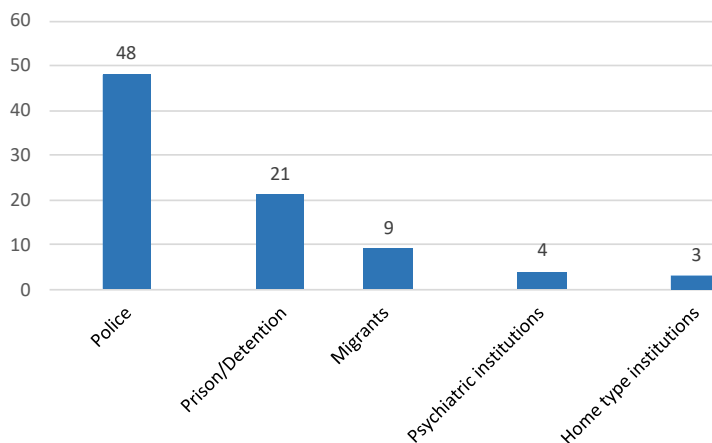
¹² PS Novi Beograd (three times), PS Stari grad (four times), PS Zemun (twice), PS Čukarica (twice), PS Rakovica, PS Zvezdara (twice), PS Palilula (twice), PD Belgrade – the seat (four times), PS Vračar (twice), PS Savski venac (three times), PS Voždovac (twice), PD Sremska Mitrovica – the seat, PD Novi Sad (seat and PO Novo Naselje), PD Kraljevo – the seat, PD Smederevo (seat and TPO), PD Čačak (the seat, TPO and PS Gornji Milanovac), PS Sjenica, PD Kikinda (PS Kanjiža, PS Čoka, PS Novi Kneževac), PD Niš – the seat (twice), PS Aleksinac, PS Doljevac, PS Grocka, PO Kaluđerica, PS Obrenovac, PD Valjevo – the seat.

¹³ PCI Niš, PCI Sremska Mitrovica (three times), PCI Požarevac-Zabela, DP Belgrade (four times), DP Kraljevo, DP Smederevo, DP Novi Sad (twice), PCI in Belgrade (twice), DP Čačak, PCI Belgrade – Padinska Skela (twice), PCI Pančevo (twice), PCI Valjevo.

¹⁴ Gerontology Center Pančevo, Institute for Education of Children and Youth Belgrade-Vasa Stajić, Home Jovan Jovanović Zmaj.

¹⁵ Special hospitals for psychiatric diseases in Vršac, Novi Kneževac and Gornja Toponica.

¹⁶ The Shelter for Foreigners, Nikola Tesla Airport in Belgrade (twice), Reception center in Obrenovac, Reception Center in Adaševci, Asylum center in Bogovođa, Asylum center in Sjenica, Pedro Arupa home and Home of Salvation.

Chart 1 – Visits of the NPM in 2020

3.2. REPORTS ON VISITS AND RECOMMENDATIONS

In the reports on visits to institutions where persons deprived of liberty are accommodated, the NPM issued recommendations to competent authorities for the removal of shortcomings. With issued recommendations, apart from the confirmed facts and omissions in operation, relevant regulations and standards which the NPM followed in the identification of existing shortcomings in the operation of an institution were stated and the visited institution should comply its operation with them.

In the reporting period, in total 37 reports on paid visits were executed. In certain cases unique reports were executed for several visited institutions due to the need for systemic review of a certain problem. In accordance with this, 22 reports were executed on the basis of paid visits to police departments and police stations under the competence of these administrations, five reports were executed on the basis of visits to institutes for the enforcement of penal sanctions, three reports were executed on the basis of the visits to social welfare institutions¹⁷, two reports were executed on the basis of visits to clinics for psychiatry and departments within general hospitals paid in 2019¹⁸, while three reports refer to the treatment of migrants by competent authorities. In this year one thematic report was executed based on the visits to military facilities paid in 2019.

Visits with the aim of monitoring the treatment of forensic patients and unaccompanied minor migrants were thematic and during 2021 thematic

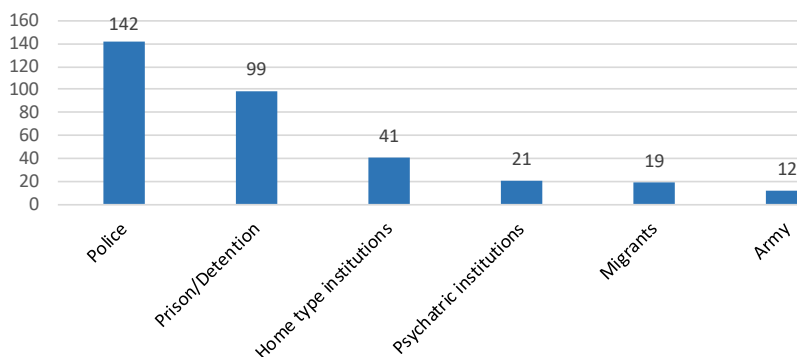
¹⁷ Among which there are two reports executed on the basis of visits paid during 2019.

¹⁸ Clinical Center of Vojvodina – the Clinic for Psychiatry and General Hospital in Jagodina – Psychiatry Service.

reports were executed about them in which the NPM presented its findings and recommendations for the removal of shortcomings, so they will be presented in the Annual report of the NPM for the year of 2021.

In total, 334 recommendations from the report on paid visits to the places where persons deprived of their liberty are or may be accommodated were issued.

Chart 2 –Issued recommendations



All recommendations issued to visited institutions/competent ministries in 2020 are in the Report section – ADDENDUM I.

3.3. OVERSIGHT OF THE PROCEDURE OF FORCED REMOVAL OF FOREIGNERS

During the reporting period, the NPM conducted 18 oversights of the procedures of forced removal of 40 foreigners. With regards to the oversight of the procedure of forced removal of foreigners two periodical reports were executed and 10 recommendations were issued.

Foreigners were removed from the Shelter for Foreigners in Padinska Skela and in one case from the Administration for Foreigners of the PD for the City of Belgrade. The removals were conducted via road transportation to the border crossings with Bulgaria, Croatia, North Macedonia and Romania or to the international airport of Nikola Tesla Airport in Belgrade. In the majority of cases these were citizens of Afghanistan (12), Iran (11) and Turkey (8).

The oversights included conversations with foreigners who would be subjected to forced removal about the treatment by officers during the deprivation of liberty, staying at the institution and observance of their rights, inspection of cases conducted about them at the Shelter for Foreigners and Administration for Foreigners as well as the oversight of the procedures preceding the removal. Then, in most of the cases, the NPM oversaw the

transportation of foreigners to the border crossing and transfer of the foreigners to the foreign country officers.

All issued recommendations with regards to the oversight of the procedure of forced removal of foreigners are in the Report section – ADDENDUM I.

3.4. DIALOG WITH AUTHORITIES

With the aim of the establishment of a continued dialog with regards to potential measures of implementation of NPM recommendations and improvement of cooperation in the field of torture prevention, individual meetings were held with representatives of the Commission for the implementation of standards of police conduct in the field of torture prevention of the Ministry of Interior, Ministry of Labor, Employment, Veteran and Social Affairs, Commissariat for Refugees and Migration, Border Police Department, Nikola Tesla Airport and Administration for the Enforcement of Penal Sanctions.

At the meetings fundamental challenges referring to the position of persons deprived of their liberty and conditions of their staying as well as key observations of the monitoring teams of the NPM during visits to places where persons deprived of their liberty are or may be accommodated were highlighted.

The NPM realized successful cooperation and continued dialog with the Ministry of Interior, especially with the Commission for the implementation of standards of police conduct in the field of torture prevention and Border Police Department with the aim of exchange of information related to the implementation of NPM recommendations. Furthermore, the NPM immediately after the introduction of the state of emergency proclaimed due to COVID 19 disease pandemic directly communicated with the director of the Administration for the Enforcement of Penal Sanctions in order to obtain information on the measures taken with the aim of the prevention of spreading of COVID-19 disease and the impact of these measures to the exercise of rights of persons deprived of their liberty during the state of emergency and regularly maintained this communication. Simultaneously, the NPM contacted the Commissariat for Refugees and Migrations to which the requests were sent to inform the NPM on the measures issued upon the proclamation of the state of emergency with regards to reception and care of migrants and asylum seekers and current situation in certain centers as well as the data on potential extraordinary events recorded in centers. This communication was maintained also through meetings with representatives of KIRS during the state of emergency.

As it was said, in the reporting period the NPM could not completely exercise its mandate at social welfare homes taking into account that the Ministry of Labor, Employment, Veteran and Social Affairs in one period did not allow visits

referring to the Order on the prohibition of visits and restriction of movement at the facilities of the institutions for the accommodation of the elderly¹⁹. In performance of NPM activities, the Protector of Citizens contacted the competent ministry, after which these visits were allowed late during the reporting period.

3.5. NPM PROMOTION/ TORTURE PREVENTION

Within the two-day training for the representatives of the civil associations to the topic *Standards and operational methodology of the European Committee for the Prevention of torture*, organized by the Council of Europe, the Deputy Protector of Citizens and Head of the NPM presented the operational methodology of the NPM. The purpose of the training was to introduce representatives of associations with the CPT standards and operational methodology of the NPM during visits to locations where persons deprived of their liberty are or may be accommodated. The participants of the training were presented, among other things, the CPT mandate and standards, NPM mandate, the role of civil associations whose statute stipulates as the purpose of association the promotion and protection of human rights and freedoms, provincial ombudsman and experts who participate in the performance of the activities within the NPM mandate, including international experiences, interview techniques with practical exercise, etc.

The trainings were held by experts of the Council of Europe with the presence and support of the Deputy Protector of Citizens and NPM employees. The trainings were attended by representatives of A11 – Initiative for Economic and Social Rights, The Lawyers' Committee for Human Rights – YUCOM, Human Rights Committee Valjevo, the Victimology Society of Serbia, Helsinki Committee for Human Rights in Serbia and Center for Youth Integration, as well as representatives of the Provincial protector of citizens – Ombudsman.

The training was organized within the program of the Council of Europe "Strengthening of the protection of human rights of persons deprived of liberty and convicted persons in Serbia", which is the part of the joint program of the European Union and Council of Europe "Horizontal Facility for the Western Balkan and Turkey II". In performance of the activities of the National Preventive Mechanism, the Protector of Citizens actively participates in this program.

The NPM representatives on the World Children's Day in cooperation with the Crisis Response and Policy Center, Danish Council for Refugees and Center for Research and Society Development IDEAS, organized the workshop for unaccompanied minor migrants, during which the competence, mandate, importance and role of the Protector of Citizens and NPM were presented to them.

¹⁹ "Official Gazette of RS" no. 28/20, 66/20 and 87/20.



Peer educators with the Deputy Protector of Citizens

3.6. COOPERATION WITHIN THE NPM NETWORK

On 12th and 13th October, as well as on 7th December, 2020 the Serbian NPM participated at the meeting of the countries of the SEE NPM Network, which due to epidemiological situation was organized via the Internet. The topic of the meeting of the Network was the treatment of apprehended and detained persons by the police in first hours of the deprivation of freedom and the manner of exercise and observance of their fundamental rights which are simultaneously the guarantee against ill-treatment: the right to inform a family member or another close person on their deprivation of liberty, the right to defender and right to medical examination. Apart from the stated, the attention was dedicated to the exchange of experience with regards to the manner of planning of visits, collection of information of importance for planning of visits, sending of information, etc.

Apart from the representatives of the NPM of the stated network, the meeting was attended by representatives of the CPT, SPT, APT, SE and Ludwig Boltzmann Institute for Human Rights.

As the chairman of the Network's Medical Group, the Serbian NPM on 22nd December, 2020 organized an online meeting of the Network in order to highlight the need for monitoring of the treatment of addicts to psychoactive

substances, especially sensitive category of persons deprived of liberty. The Serbian NPM presented the Thematic report “Monitoring of the treatment of addicts to psychoactive substances at the institutions for the enforcement of penal sanctions”²⁰ executed after five visits to penal-correctional institutes and five visits to district prisons, which were realized in the reporting period for the purpose of monitoring the treatment of this category of persons.

Within the sessions dedicated to safety, treatment and health care aspect of this problem, the examples of good practice in finding psychoactive substances, specialized programs of treatment and provision of health care to addicts to psychoactive substances at the institutes for the enforcement of penal sanctions were presented by Goran Nenadović, head of the Security Service at the Penal–Correctional Institute in Požarevac – Zabela, Miljan Krstić, head of the Department for the treatment implementation at the Penal-Correctional Institute in Niš and Vladimir Stojković, PhD, head of the Department for substance use disorder of the Special Prison Hospital, who participated in the establishment of the Department without drugs in the District Prison in Belgrade.



Meeting of the countries of the SEE NPM Network

²⁰ Available at: https://npm.rs/index.php?option=com_content&view=article&id=1026:праћење-поступања-према-зависницима-од-психоактивних-супстанци-у-заводима-за-извршење-кривичних-санкција&catid=89&Itemid=82.

3.7. OTHER FORMS OF COOPERATION

The reporting period was marked by intensive cooperation with SPT, SE, APT with regards to the measures national preventive mechanisms take during the epidemic. The cooperation was realized through communication in writing, as well as through the participation of the NPM at online meetings and trainings designed for monitoring of the institutions for deprivation of liberty, challenges and good practices in the newly emerged circumstances.

During the reporting period the cooperation with the International Committee of the Red Cross was continued and the meeting dedicated to institutes and departments with higher levels of security and position of persons deprived of liberty in these regimes of penal enforcement was held.

The NPM had especially close cooperation this year, too, with the office of UNHCR in Serbia in which they exchanged information on the position of refugees, migrants and asylum seekers. Moreover, in visits to places where these persons are, as well as oversights of the procedures of forced removal of foreigners, UNHCR provided significant support to the NPM by providing interpreter services.

In the reporting period the NPM realized successful cooperation with the Bulgarian Ombudsman. Taking into consideration the concern expressed by individual foreigners who were subjected to forced removal to the Republic of Bulgaria with regards to their further treatment in this country, the NPM contacted the Bulgarian Ombudsperson in writing, asking her to verify the conditions of their staying and how they are treated in Bulgaria, which was done within a short period of time by the Bulgarian NPM, which submitted the requested information to the Serbian NPM.

The NPM representative participated at the meeting of the Working group for the protection of refugees organized on 18th February, 2020 by the UNHCR in Serbia.

The NPM representatives participated on 17th June, 2020 at the meeting during which the regional team of the SPT for the European territory exchanged experience and advise with the participants at the meeting on the operation of the NPM during the pandemic of new Coronavirus. The experiences so far as well as existing and future challenges in the field of torture prevention were discussed.

With the aim of the improvement of accommodation conditions of foreigners whose entrance in the country at Nikola Tesla Airport was denied, the meeting was held with the representatives of the Airport to the topic of the construction of the facility for the accommodation of passengers whose entrance in the country is denied.

The NPM representatives participated at the sixth meeting of the Independent Police Complaints' Authority Network (IPCAN), which was held on 16th December, 2020.

Furthermore, in the reporting period three online meetings of the Working group for asylum and migration of the European Network of National Human Rights Institutions (ENNHRI), in whose operation the representative of the NPM participates.

On the occasion of the Day of Persons with Disability, the Deputy Protector of Citizens and Head of the NPM attended the event held in the home of United Nations during which, inter alia, the independent monitoring of the implementation of the United Nations Convention on the Rights of Persons with Disabilities was discussed from the perspective of the NPM.

3.8. THE ANNUAL REPORT

The Report of the NPM for the year of 2019 was submitted to the National Assembly, Ministry of Interior, Ministry of Justice – Administration for the Enforcement of Penal Sanctions, Ministry of Health, Ministry of Labor, Employment, Veteran and Social Affairs, Ministry of Defense and Commissariat for Refugees and Migrations. The Report was submitted also the Subcommittee on Prevention of Torture, European Committee for Prevention of Torture, UN Resident Coordinator Office, Office of the Council of Europe, Association for the Prevention of Torture and other competent international organizations.

Even though in Serbia such practice is established that the National Assembly of the Republic of Serbia, as well as its competent boards, review annual reports of the NPM, by the submission of this Report, the NPM Report for the year of 2019 was not reviewed either by the National Assembly or any of its boards.

The NPM emphasizes that competent authorities are obliged to review recommendations from the annual report of the NPM.²¹

With the aim of notifying wide public the Report was published on the website of the Protector of Citizens and the NPM web page. Besides, the publication in the Serbian and English language is available.

²¹ The Optional Protocol, Article 22.

4. THE STATE AND ACTIVITIES PER FIELD

4.1. POLICE / PROSECUTORIAL DETENTION

For the purpose of monitoring of the treatment of apprehended, arrested and detained persons by the police as well as for the purpose of monitoring of the treatment pursuant recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment issued after the visit to the Republic of Serbia in 2017, during 2020 the NPM paid 48 visits to police departments and police stations which are parts of these administrations. All visits were unannounced and cooperation of police officers with the NPM team in all visits was complete and professional.

The treatment of detained persons was monitored also during the visits to institutes for the enforcement of penal sanctions, considering the practice that in individual police departments for the detention of persons pursuant to the Criminal Procedure Code the premises at the institutes for the enforcement of penal sanctions are used.

Moreover, during the visits to the institutes for the enforcement of penal sanctions, the focus was on the treatment of the persons deprived of their liberty by the police before they were brought to the institute. Therefore, during the visits to the institutes for the enforcement of penal sanctions, the NPM interviewed pre-trial detainees who were brought for the enforcement of this measure after the police detention, in order to collect information on their treatment by police officers during their deprivation of liberty, detention as well as during the application of other police authorizations. Visits were conducted by paying visits also to the local police station and institute, which provided for the comparison of the data obtained from these persons and official allegations and documentation.



The NPM team in the control visit to PS Stari grad

At the beginning of the reporting period control visits were paid to PS Stari grad and PS Novi Beograd, for the purpose of monitoring the acting upon recommendations of the NPM, which were issued in the reports after visits paid in 2019. Based on the findings from these control visits, the NPM confirmed that both police stations acted upon recommendations for the removal of identified shortcomings, which were issued to them in the report after the previous visit.

Monitoring the acting upon recommendations of the CPT which were issued after the visit to the Republic of Serbia in 2017, the NPM noticed during the visits to police stations that many of these recommendations were acted upon. Namely, in the reporting period the Ministry of Interior, acting in compliance with the Rulebook on the conditions which should be met by detention premises²², continued with the improvement of the conditions for the staying of detained persons at detention premises – all detention premises at the PD for the City of Belgrade were renovated as well many detention premises in other police departments. All premises were adapted in accordance with valid regulations and standards, which significantly improved the conditions of staying of detained persons. The adaptation of detention premises continued in 2021, too.

²² "Official Gazzete of RS", no. 34/18.



Detention premises in PS Voždovac

As an important activity for the prevention of torture and simultaneously acting upon the recommendations of the CPT, the NPM emphasizes that the Ministry of Interior during 2020 initiate specialist trainings of criminal inspectors on the techniques of hearing during the interrogation of suspects, which should be continued in the following period.

Furthermore, by the inspection of the documentation at visited police stations it was confirmed that the person immediately deprived of liberty, in the language s/he understands, is notified about the reasons for the deprivation of liberty, on the charge against him/her, about his/her rights, that the persons may inform the person they choose and the defender on their deprivation of liberty. The phone call to the selected lawyer is made by police officers and if the detained person should be designated an ex officio defender, it is done pursuant to the list of the Bar Association of Serbia (BAS) or via formed "Call center" of the BAS for the appointment of the ex officio defender.

Taking into account the constitutional right of the citizen to immediately inform the person of their choice on their deprivation of liberty²³, with the aim of further improvement of actions in this part, the NPM indicated that the time of notifying of a close person is necessary to be recorded in the minutes on detention.

²³ The Constitution of the Republic of Serbia, "Official Gazette of RS", no. 98/2006, Article 27, Paragraph 2.

The decisions on detention which were inspected by the NPM team during these visits were handed to detained persons in a timely manner, soon after the beginning of detention, which was confirmed by the signature of these persons. Furthermore, it is noticeable that doctor's reports and medical documentation, as a rule, are given to the detained person and are not filed in the detention file. It is noticed that all persons seeking medical help before or during the detention receive it as well as that in smaller towns, all persons are examined by doctors before detention, so that the doctor would issue an opinion about whether the person is capable of detention. In a majority of visited police stations, police officers are present during the medical examination for the safety reasons, because it is required by the medical staff, but they do not confirm this fact and their presence in writing. With regards to this, in the reporting period the NPM issued recommendations with the aim of the improvement of the activities in this part. Finally, what is encouraging, is the fact that by visiting offices of criminal inspectors, in the offices and closets in the majority of police stations there were no non-standard and/or unlabeled cases from criminal offences found.



*Premises for the medical examination of detained persons
at the seat of the PD for the City of Belgrade*

The shortcoming noticed in this reporting period as well is that the majority of police departments and police stations visited by the NPM do not have separate premises for the interviewing equipped with technical equipment for audio and/

or video recording, even though the existence of these premises is one form of preventive actions and significant measure of protection of persons deprived of their liberty against potential prohibited treatment by police officers.

Furthermore, even though the efforts to provide for the needs of police stations separate premises for keeping of temporarily confiscated items are noticeable, it is necessary to continue with taking of these activities and to provide these premises at all police stations. This problem is especially prominent at the seat of the Police Department for the City of Belgrade where there is no adequate warehouse space designed for keeping of confiscated items originating from criminal offences. A similar problem with regards to the manner of keeping of confiscated items was noticed during the visit to the PS Novi Beograd. With regards to this, the NPM indicated that with the aim of acting in compliance with legal acts and bylaws, the continual written communication should be realized with the public prosecutor's office in every individual case and for every temporarily confiscated item, in order to confirm if there is the need for further keeping of the item or if it should be returned, destroyed or given to the public prosecutor's office or court. Also, it was indicated to the need of the establishment of cooperation with the Ministry of Justice so that all temporarily confiscated items would be handed over to the court after the confirmation of the indictment, pursuant to valid regulations.

In the reporting period the NPM issued a recommendation to competent authorities – the Ministry of Interior and the Ministry of Justice, for the purpose of the improvement of the treatment of detained persons who are accommodated at the premises of the institutes for the enforcement of penal sanctions. The authorities received the recommendation for the Agreement on cooperation to stipulate that detained persons are always accommodated separately from other persons deprived of liberty, to provide them with the access to open air areas and to provide them with means and conditions for the personal hygiene²⁴.

In the reporting period, for the first time, the NPM oversaw the conduct of the police during public gatherings of citizens in Belgrade in front of the building of the National Assembly in July²⁵. The manner how the treatment of citizens by the police was monitored as well as the protest itself, comprised several activities as follows:

1. Monitoring of the conduct of the police during the deprivation of liberty and during the arrest in the streets during the protest;
2. Visits to police stations with the aim of interviewing persons deprived of their liberty during the protest and inspection of the relevant

²⁴ Available at: <https://www.ombudsman.rs/index.php/2012-02-07-14-03-33/6854-z-sh-i-ni-gr-d-n-sp-r-zu-s-r-dnji-d-puni-i-u-cilju-s-v-riv-nj-pr-v-z-drz-nih-lic-u-z-v-di-z-izvrsh-nj-rivicnih-s-n-ci>

²⁵ As of 8th July, 2020 until 25th July, 2020 every evening the NPM attended gatherings with the aim of monitoring the treatment of citizens by the police.

documentation in order to confirm the manner in which police officers treated them during the deprivation of liberty and application of other police authorizations as well as the manner in which their rights were exercised after they were brought to the police station and during the police detention;

3. Visits to the District Prison in Belgrade and Penal-Correctional Institute in Belgrade – Padinska Skela, for the purpose of interviewing persons with imposed measure of remand prison and who were punished for the misdemeanor because of the participation in the events during the protest, in order to determine the manner in which police officers treated them during the deprivation of liberty and application of other police authorizations, the manner in which their rights were exercised after they were brought to the police station, during the police detention as well as the manner in which they were treated after the reception to the institute (with special emphasis on the manner of the performance of the medical examination upon the reception to the institute);
4. Monitoring of the actions of the police and citizens during the protest, with the aim of observing the manner of application of police authorizations and potential initiation of the investigations by the Protector of Citizens upon its own initiative.

With regards to the treatment of persons deprived of their liberty by the police during public gatherings in Belgrade in July, 2020, the NPM conducted without surveillance interviews with 28 persons deprived of their liberty, of whom 17 persons complained about the treatment by the police during the deprivation of their liberty. The persons stated that unknown police officers kicked them, hit them with rubber sticks on the head and body, that they offended them, threatened them and treated them in an inhuman and degrading manner. Also, some persons deprived of their liberty stated that they were asked questions without the presence of the defender, as well as that police officers were present during medical examinations.

With regards to monitoring of the police treatment of citizens during public gatherings in Belgrade in July, the NPM executed the Thematic report with 11 recommendations for the removal of shortcomings and improvement of the state in this field, of which nine refers to the Ministry of Interior.²⁶ The report was issued to the Commission for the implementation of standards of police conduct in the field of torture prevention in order to continue with the activities taken with the aim of raising of the awareness on the prohibition of any form of inadequate treatment of persons deprived of their liberty.

²⁶ Available at: https://npm.rs/index.php?option=com_content&view=article&id=1040:муп-одговорио-на-тематски-извештај-поступање-полиције-према-лицима-лишеним-слободом-јавних-окупљања-у-београду&catid=89:2011-10-24-12-47-48&Itemid=82.

The NPM emphasized the necessity of the implementation of systemic and permanent education of police officers on the police role during public gatherings and prohibition of all forms of torture and provision of the use of coercive measures in accordance with valid regulations and standards, and the necessity of the provision via additional educations of the constant raising of the level of professional capability and skills of police officers in the application of police authorizations so as to provide that the police activities in the application of police authorizations are based exclusively on legal regulations.

The Ministry of Interior accepted all issued recommendations from the Report and took activities with the aim of their implementation, both in terms of trainings as well as with regards to other recommendations, among which there is a recommendation referring to the need for the MoI provision that police officers during the treatment of citizens and application of police authorizations have visibly presented marks of the police as well as labels on the basis of which it would be possible to identify every officer who treats citizens and which will, as it says in the response of the MoI, be implemented in the text of the new Regulation on uniform, labels and equipment of police officers.

The NPM in the period October – December 2020 paid night and early morning unannounced visits to police stations for the purpose of monitoring the treatment of apprehended and detained persons with regards to the observance of fundamental rights, which are simultaneously the guarantee against ill-treatment: to immediately, in the language understood by the person, notify him/her on the reasons of their deprivation of liberty and their rights, the right to access to a lawyer and doctor, the right to inform a close person on the deprivation of liberty.

During the paid visits the NPM interviewed over 100 persons deprived of liberty, both persons in remand prison and detained persons about their treatment by police officers during the deprivation of liberty, during detention as well as during the application of other police authorizations. With regards to this, what is encouraging is the fact that during these visits most of interviewees did not complain about the treatment by police officers and the possibility of the exercise of their rights, so by the inspection of the documentation it was confirmed that these rights were observed in most of the cases.

Also, during these visits it was confirmed that, acting upon recommendations of the NPM from the reporting period, the records kept at police stations for detained persons were improved in such manner that the information on the time of notification of a close person on the deprivation of liberty was entered into the minutes as well as the note that police officers were present during the medical examination upon the request of the doctor as well as the reasons why the detained person refused to sign the minutes on the detention.

A positive example of practice in this respect is especially the activities by the PS Stari grad and PD for the City of Belgrade – the seat.

With the aim of the improvement of the treatment of apprehended and detained persons, the NPM expresses satisfaction by the fact that the recommendations from the report issued by the NPM after paid visits to police departments and their police stations were acted upon to the greatest extent.

GENERAL RECOMMENDATIONS FOR THE REMOVAL OF SHORTCOMINGS

The Ministry of Interior shall take activities to provide for police stations adequate technical equipment for audio and/or visual recording of hearing.

The Ministry of Interior shall ensure that the police stations be provided with adequate premises designed for keeping of temporarily confiscated items.

The Ministry of Interior shall continue with the organization of specialist trainings of criminal inspectors on the hearing techniques during the interrogation of suspects.

The Ministry of Interior shall continue with taking of activities referring to the promotion of material conditions at the detention premises.

4.2. ENFORCEMENT OF PENAL SANCTIONS

During 2020 the NPM paid 21 visits to institutes for the enforcement of penal sanctions²⁷. The Special Prison Hospital in Belgrade was visited, too. In total 5 reports²⁸ were executed and 99 recommendations for the removal of noticed shortcomings and improvement of the activities of authorities were issued.

Apart from the visits to institutes which were primarily focused on the treatment of the persons deprived of liberty by the police before they were taken to the institute, a special attention during the visits to the institutes for the enforcement of penal sanctions was paid to the manner of performance of the first examination upon the reception to the institute, taking into account the importance of the role the services for health care have

²⁷ PCI Niš, PCI Sremska Mitrovica (three times), PCI Požarevac – Zabela, DP Belgrade (four times), DP Kraljevo, DP Smederevo, DP Novi Sad (twice), PCI in Belgrade (twice), DP Čačak, PCI Belgrade – Padinska Skela (twice), PCI Pančevo (twice), PCI Valjevo.

²⁸ Of which one (DP Prokuplje) was executed on the basis of the visit paid in 2019.

in the fight against ill-treatment. In this part a progress in documenting of injuries and taking of further activities related to these and sending of information to the competent public prosecutor's office was noticed and an example of good practice with regards to the stated is the activities of the District Prison in Belgrade.

The Administration for the Enforcement of Penal Sanctions continued with the investments into material conditions for the accommodation of persons deprived of their liberty and increase of the capacities of the institutes for the enforcement of penal sanctions, by constructing new pavilions at the Penal-Correctional Institute in Sremska Mitrovica, District Prison in Leskovac and the material conditions were also improved in the District Prison in Novi Sad, Special Prison Hospital, District Prison in Belgrade, Penal-Correctional Institute for Women in Požarevac.



Dental clinic and gym at PCI Pančevo

Although it cannot be disputed that everything stated contributes to the solution of the problem of overcrowdedness of accommodation capacities as well as the promotion of the protection of persons deprived of their liberty, the fact that the overcrowdedness of accommodation capacities is especially prominent in closed units, where the conditions of staying are the worst should be taken into account. With regards to this, the NPM during the visits to institutes confirmed that the mechanism of progress in the treatment based on the existing criteria means aggravated transfer of convicts to more favorable education groups, so that many convicts are released from prison from the same education group where they were sent to immediately upon the reception to prison. Acting upon recommendations of the NPM, the District Prison in Prokuplje took a series of activities to create better life conditions of persons deprived of their liberty – unnecessary beds at the premises where they are staying were taken out, mattresses were replaced and in their nutrition the quantity of fruit in weekly menus was increased. The

application of the Law on Free Legal Assistance was also provided for persons deprived of their liberty and DP Prokuplje provided information leaflets for foreign citizens in remand prisons in several languages.

The Institute received the order from the Administration for the Enforcement of Penal Sanctions to properly document injuries of persons deprived of their liberty, the obligation of the doctor to enter the statement of the person on the manner how they were caused, to describe in details the injuries and take photos of them and provide the opinion on the relatedness of the statement about the reason of their emergence and injuries. In the response which was submitted to the NPM it is stated that within the project of the Council of Europe specialized programs for group work with convicts were executed and that via the Training Center the trainings for employees for the application of these programs are organized.

With regards to the complaints of a great number of convicts about accommodation at the IV pavilion at the Penal-Correctional Institute in Sremska Mitrovica and simultaneously monitoring the acting upon the issued recommendation of the NPM dated 2012 that this pavilion should be renovated without further delay, since it does not meet the conditions for the accommodation of convicts, the NPM paid a control visit to this institution.



The NPM team visiting PCI Sremska Mitrovica

The NPM confirmed that the facility “Pavilion IV” at the PCI Sremska Mitrovica was overcrowded and did not meet the conditions for the accommodation of convicts in compliance with valid regulations and standards and issued recommendations about that²⁹. The recommendations refer to taking measures without further delay so that all convicts at this facility could have accommodation provided in accordance with valid regulations and standards. Furthermore, it was recommended that there should be no further accommodation of convicts to the dormitories in this pavilion until prescribed accommodation conditions are provided there.

During the state of emergency the NPM paid thematic visits in which the activities of the Republic of Serbia on the basis of the principles of the CPT were monitored since 20th March, 2020 referring to the treatment of persons deprived of liberty during the pandemic of COVID 19 disease. In this period the NPM paid visits to places where persons deprived of liberty are in order to verify in which manner the measures against the spread of COVID-19 disease are implemented, how in these circumstances the exercise of fundamental rights of persons deprived of liberty is provided and in which manner visited institutions acted in compliance with the CPT principles. Visits were paid to: DP Belgrade, PCI Belgrade, PCI Belgrade-Padinska Skela and PCI Sremska Mitrovica.

The Administration for the Enforcement of Penal Sanctions took all necessary activities regarding the organization of the operation of employees, provision of secure functioning of all institutes and implementation of measures of protection of employees and persons deprived of their liberty against the potential infection with Coronavirus. During the stated visits it was noticed that the measures of health protection and safety of persons deprived of liberty and employees are observed, that the provision of protective equipment is on a regular basis, that increased measures of health care supervision are applied towards persons especially exposed to the risk of infection. In the institutes for the enforcement of penal sanctions the convicts are allowed to have more frequent phone calls (since visits were prohibited) and longer staying on open air of the persons deprived of their liberty. The supply of protective equipment to all institutes was regular, there was a continued delivery of masks, gloves, means of disinfection and equipment and at several institutes the protective masks and suits were produced. Also, pursuant to the CPT principles, the number of persons deprived of their liberty was reduced by the application of the institute of conditional release, early release as well as restrictive sending of new persons to serve of the prison sentence.

²⁹ Available at: <https://npm.rs/attachments/article/994/42421%20preporuka%20IV%20paviljon.pdf>.

Regarding the stated visits the NPM executed the Thematic report: *The application of CPT principles on the treatment of persons deprived of their liberty during the Coronavirus pandemic*³⁰ which was submitted to all visited institutions and the competent ministry. In the Report on paid visits the NPM issued the recommendation that all persons deprived of their liberty, during the prohibition of visits be provided with the maintenance of contacts with family members and other close persons via phone to a greater extent than in regular circumstances. Also, if the prohibition of visits lasts longer, it is necessary to provide also other alternative manners of communication including the communication via the Internet.

Upon this recommendation the Administration for the Enforcement of Penal Sanctions acted within a very short period of time, so the convicts were allowed a greater number of phone contacts with family members and other close persons as well as the communication via the Internet, i.e. via Skype.

An example of positive practice in acting upon this recommendation is the Penal-Correctional Institute in Pančevo where immediately after issuing of the subject recommendation it was provided that convicts, apart from the telephone contact as well as visits which were in the meantime allowed again, have communication with family members and other close persons via the Internet by the use of the program for the transfer of image and sound (Skype) every day in the period from 8AM to 2PM, at least half an hour per week and longer, if conditions allow that.

By recognizing that addicts to psychoactive substances are a special group within the prison population which requires a specialized approach, in the reporting period the NPM paid visits to institutions for the enforcement of penal sanctions with the aim of identifying the level of presence of this problem at institutes and the response of the institute to it as well as with the aim of the removal of the circumstances which could be suitable for the emergence of any type of ill-treatment. With regards to that, a sample of 5 penal-correctional institutes (PCI Sremska Mitrovica, PCI Belgrade, PCI Pančevo, PCI Niš, PCI Požarevac) and 5 district prisons (DP Čačak, DP Kraljevo, DP Novi Sad, DP Smederevo, DP Belgrade) was selected for the visit of the NPM during 2020. The problem was observed from three aspects: safety, treatment and health care, with the intention to verify which activities were taken by the institutes with the aim of detection and prevention of the bringing in of psychoactive substances, whether there are at the institutes specialized programs for the work with convicts who have the problem of dependency on psychoactive substances, which programs are implemented, which therapy is available, whether the staff is educated to implement the treatment program, which measures

³⁰ Available at: <https://www.ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/6627-o-3>.

are taken to reduce the demand and availability, prevention and reduction of detrimental consequences. With regards to the stated, the NPM executed the Thematic report with 8 recommendations in which, among others, it was indicated to the need for the specialized approach when it comes to addicts to psychoactive substances, the need for more employees at the jobs of treatment, security service and health care staff as well as for the creation of conditions for rehabilitation of drug addicts which includes the existence of separate premises, special operational programs and trained staff so that the primary problem of addiction would not remain unsolved and in the shadow of the secondary problem of committing of the crime.

The Administration for the Enforcement of Penal Sanctions accepted issued recommendations and took activities in the employment of the members of security service and education employees at institutes as well as for the purpose of availability of psychiatrists in all institutes. In accordance with recommendations of the NPM the Administration submitted the recommendation of the NPM to create conditions at all institutes for the realization of individual goals which are set to convicts to the Department for inspection so that during the supervision it would be controlled whether individual goals and planned activities and tasks of the staff in the realization of the program of activities were realistically set in comparison to the capacities of the institute and whether they are implemented according to the plan.

Simultaneously, the Administration informed the NPM that measures will be taken to find the best solution for the realization of the contact and cooperation with competent centers for substance use disorders which have educated staff for the introduction of substitutional therapy so that the indications for the introduction of this treatment to persons who have not started the treatment of the substance use disorder while free would be assessed.

Within the project of the Council of Europe, new specialized programs for the group work with convicts were executed and among them the Specialize program for group work with addicts to drugs and it was distributed to all institutes.

During the reporting period the NPM paid the first regular visit to the Penal-Correctional Institute in Pančevo, which was a two-day visit, and during which the complete situation at the institution was controlled with regards to the observance of the rights of persons deprived of their liberty. The Report³¹ was executed on the paid visit in which the NPM praised this institution and issued four recommendations for the removal of shortcomings and further improvement of the activities. All issued recommendations were acted upon by the Institute within the deadline.

³¹ Available at: https://npm.rs/index.php?option=com_content&view=article&id=946:управа-за-извршење-кривичних-санкција-о-поступању-по-препорукама-заштитника-грађана-у-обављању-послова-нпма&catid=112&Itemid=116.



Visit of the NPM team to PCI Pančevo

The two-day systemic visit was paid to the District Prison in Čačak and the NPL executed the Report³² about it with 43 recommendations for the removal of the noticed shortcomings and improvement of the state in the field. In total, 26 recommendations were acted upon, for 16 recommendations further monitoring is needed and one recommendation was not acted upon. With the aim of acting upon issued recommendations the activities on the improvement of material conditions at dormitories and restrooms were initiated and after the provision of material funds, the actions will be taken for the construction of separate premises for visits of spouses, children or other close persons. Furthermore, security officers in the meantime attended the training on the application of coercive measures and their conduct related to the taking of persons deprived of their liberty. The employees of the Service for the treatment, accepting the NPM recommendation shall implement the procedure of granting of expanded rights and benefits, pursuant to the law and in the following period they will take activities on the realization of the group work through workshops to the topic of the prevention of ill-treatment of psychoactive substance and the activities will be taken in order to provide work engagement of the persons punished for misdemeanor and in remand prison, if they show interest in that. Moreover, the Service for health care will during the first medical examination of persons deprived of their liberty perform the inspection of all body parts without clothes, which will allow the identification of potential bodily injuries which may be related to

³² Available at: https://npm.rs/index.php?option=com_content&view=article&id=1015:окружни-затвор-у-чачку-поступа-по-препорукама-нпма&catid=112&Itemid=116.

violent treatment of the person. The practice of taking photos of the noticed injuries and their insertion into the body scheme was introduced and the doctor will enter into the report on the confirmed injuries the opinion on the connectedness of the statement of the person with caused injuries. By acting in the described manner of work, in accordance with the NPM recommendations issued on the basis of valid regulations and standards as well as the Istanbul Protocol, the Service for health care contributes to the protection of persons deprived of their liberty against ill-treatment. Also, acting upon the recommendation of the NPM, the Administration for the Enforcement of Penal Sanctions called a competition for the employment for indefinite period of time of a service security employee, alternative sanctions employee and the activities are taken for the employment for indefinite period of time of a doctor and another medical technician.

In comparison to the previous reporting period, in this reporting period positive examples of the institutes which executed the program of work engagement for persons in remand prison were noticed³³, and what is also noticeable is the progress in the increase of the employment of the convicted persons. Nevertheless, the stated should be developed to the entire prison system. There is still the need for the provision of sufficiently available activities to the persons in the remand prison and convicts accommodated at closed prison units as well as spending a period of time during the day at communal premises with other convicts and persons in remand prison who do not have limited contact by the court because of conducted criminal proceedings.

Even though in individual institutes additional medical staff was engaged, there is still insufficient staff for the 24-hour presence at institutes. Also, during the visits to individual institutes, it was noticed that in the regular prison regime there are individual convicts with mental disorders who cannot receive in these circumstances of serving of the sentence an individualized access to their treatment which would include the preparation of an individual treatment plan and provision of an effective psychosocial rehabilitation treatment.

³³ DP Belgrade, PCI Pančevo.

GENERAL RECOMMENDATIONS FOR THE REMOVAL OF SHORTCOMINGS

The Administration for the Enforcement of Penal Sanctions should increase the number of employees at the institute services so as to enable the treatment of persons deprived of their liberty completely in compliance with regulations and standards.

The Administration for the Enforcement of Penal Sanctions should provide to the convicts accommodated at prison units sufficient available activities, as well as a period during the day at communal premises with other convicts..

The Administration for the Enforcement for Penal Sanctions should improve the possibilities for the transfer of convicts to a more favorable education group.

The Administration for the Enforcement of Penal Sanctions should provide that all persons with mental disorder serving the prison sentence should be dislocated from the regular prison regime and receive at the inpatient health care unit within the institute, Special Prison Hospital or other adequate health care institution health care adequate to their disease and need for treatment.

4.3. DETENTION AT SOCIAL WELFARE INSTITUTIONS

During 2020, the NPM visited three social welfare homes³⁴. At the beginning of the reporting period, NPM conducted a systematic visit to the Gerontology Center Pančevo, during which the complete situation in the institution was monitored in terms of respect for the rights of beneficiaries. The Report prepared on the occasion of the visit sent 10 recommendations for eliminating shortcomings and improving the situation in the area³⁵.

Acting on the recommendations of the Protector of Citizens in performing the activities of the NPM, this institution prepared brochures on the rights of beneficiaries and delivered them to its beneficiaries. Also, the Institution supplemented the health records of active beneficiaries regarding the detailed anamnesis and description of the somatic condition of the beneficiaries upon

³⁴ Gerontology Center Pancevo, Institute for Education of Children and Youth Belgrade-Vasa Stajić, Home Jovan Jovanović Zmaj.

³⁵ Available at: https://npm.rs/index.php?option=com_content&view=article&id=996:дементни-и-непокретни-корисници-биће-укључени-у-све-програме-и-активности-геронтолошког-центра-панчево&catid=112&Itemid=116

admission to the institution and determined the procedure so that in the future only a neuropsychiatrist could prescribe antipsychotic therapy.

In response to the recommendations, the NPM was informed that in the coming period it will be worked on strengthening of demented and immobile beneficiaries and in accordance with their capabilities they will be included in programs and activities that are available to psychologically preserved beneficiaries and those without difficulty in movement. As part of the renovation of the Institution, fencing of the yard is expected, which will contribute to a greater degree of freedom of demented beneficiaries in the open space and the possibility of more frequent outdoor activities.

The visits to the Institute for the Education of Children and Youth in Belgrade – Vasa Stajić and the Jovan Jovanović Zmaj Home were aimed at monitoring the treatment of unaccompanied minor migrants. The findings of these visits with recommendations are part of a thematic report based on NPM visits dedicated to monitoring the treatment of unaccompanied minor migrants. This report was sent to the competent authorities in 2021, and the findings from these visits and the recommendations sent will be discussed in more detail in the NPM Report for 2021.

In the reporting period, two reports were made from visits made during 2019, namely: to the Home for Mentally Ill "Čurug"³⁶, as well as the Thematic Report "Human, Sexual and Reproductive Rights of Women with Disabilities in Social Welfare Institutions"³⁷ which refers to five thematic visits to social welfare institutions³⁸.

During the mentioned thematic visits, the NPM among other things determined that the competent Social Welfare Centers have irregular and insufficient contact with their beneficiaries accommodated in social welfare homes, who are assigned as direct guardians, that female beneficiaries in social welfare institutions are insufficiently informed about their rights, first of all, about the procedure, deadlines and other relevant information for regaining legal capacity, that in the Institute for Accommodation of Adults "Male Pčelice", Home for Children and Youth with Intellectual and Mental Disabilities "Veternik" and Home for Children and Persons with Disabilities "Dr Nikola Šumenković" some rooms for accommodation of female beneficiaries are not in accordance with the standards in relation to the prescribed square space per

³⁶ Available at: https://npm.rs/index.php?option=com_content&view=article&id=995:након-препорука-нпма-унапређен-положај-корисника-дома-за-душевно-оболела-лица-чуруг&catid=112&Itemid=116

³⁷ No. of report 414–75/2020 dated 30.12.2020.

³⁸ Home for Children and Persons with Disabilities "Dr Nikola Šumenkovic" in Starnica, Gerontology Center "Jelenac" – Working Unit for Accommodation of Adults and the Elderly with Intellectual and Mental Disabilities in Tešica, Home for Children and Youth with Intellectual and Mental Disabilities in Veternik, Institute for Accommodation of Adults "Male Pčelice" and Home for Accommodation of Mentally Ill "Sveti Vasilije Ostroški – Čudotvorac" in Novi Bečej.

a beneficiary, i.e. that there is an overcrowding of accommodation capacities, that some female beneficiaries of the Home for Children and Youth with Disabilities "Veternik" have limited freedom of movement within the institution, as well as to spend time unstructured and without any daily activities and in the "Male Pčelice" Institute, female beneficiaries with the need for a greater degree of support often wear clothes and shoes that do not suit their size or current weather conditions, that in some institutions shower cabins intended for beneficiaries of both sexes do not provide privacy when showering because they are not separated from the rest of the bathroom by a door. Also, it was noticed that there is not a sufficient number of medical and nursing staff necessary to work with beneficiaries, that there is no special form for informed consent of female beneficiaries to the introduced/subsequently introduced medical measure, that in some institutions female beneficiaries are not adequately informed about sexual diseases prevention methods and unwanted pregnancies in order to preserve reproductive health, as well as that regular systematic gynecological examinations are not organized, etc.

Bearing in mind the identified shortcomings in the reporting period, the NPM sent 25 recommendations to the visited institutions and competent bodies, i.e. the Ministry.

After visiting the Home for the Mentally Ill "Čurug" and sending a report with six recommendations for eliminating the observed shortcomings, NPM received a notification in the reporting period on the activities undertaken in order to act on the recommendations. Acting on the addressed recommendations, the Home initiated the procedure of public procurement of project documentation for comprehensive reconstruction of the existing accommodation capacities in order to provide conditions for accommodation of beneficiaries in accordance with regulations, and renovation of the Home is expected in the following period. Also, it is planned to purchase one ambulance vehicle for the needs of transporting beneficiaries for specialist examinations.

The problems of beneficiaries in social welfare homes in the reporting period, were primarily conditioned by epidemiological measures which resulted, among other things, in a ban on leaving the institution and a ban on long-term visits, and thus a significant restriction of contact with family. Also, there is still an evident lack of staff to work with beneficiaries, which can adversely affect the quality of health and psychosocial services.

As it was said, in this reporting period, the NPM could not fully fulfill its mandate in social welfare homes, bearing in mind that the Ministry of Labor, Employment, Veteran and Social Affairs did not allow visits in one period referring to the Order on ban on visits and restriction of movement in the facilities of institutions for the accommodation of the elderly³⁹. Although the

³⁹ "Official Gazette of RS" Nos. 28/20, 66/20 and 87/20..

Ministry was informed of all international obligations that our country has undertaken by adopting the Law on Ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and that it will conduct visits with full respect for all prescribed preventive measures, the Protector of Citizens in the performance of his NPM duties, was treated as a visitor by the competent ministry. In this regard, the NPM pointed out to the competent ministry that preventing the exercise of mandates in social welfare institutions is a violation of legal regulations, international standards, the obligation of cooperation of administrative bodies with the Protector of Citizens and results in inability to control respect for basic rights of persons in social welfare institutions. and deterring state bodies and officials from actions that could have the character of ill-treatment.

**GENERAL RECOMMENDATIONS
FOR THE REMOVAL OF SHORTCOMINGS**

In the future, the Ministry of Labor, Employment, Veteran and Social Affairs will fulfill the legally prescribed obligation of cooperation with the Protector of Citizens and enable the NPM to conduct unhindered visits to social welfare homes.

The Ministry of Labor, Employment, Veteran and Social Affairs will review the staffing situation in social welfare homes in order to provide the necessary number of medical, nursing and other staff in order to adequately treat beneficiaries and provide functioning of institutions.

The Ministry of Labor, Employment, Veteran and Social Affairs should intensify activities in order to legally regulate the conditions and procedure for restricting the freedom of movement of beneficiaries accommodated in social welfare homes.

The Ministry of Labor, Employment, Veteran and Social Affairs should intensify deinstitutionalization activities.

4.4. DETENTION OF PERSONS WITH MENTAL DISORDERS AT PSYCHIATRIC HOSPITALS

In the reporting period, the NPM conducted thematic visits to institutions where forensic patients are being treated, in order to monitor the treatment of persons in the implementation of security measures of mandatory psychiatric treatment and custody in health care institution, mandatory treatment of drug addicts and mandatory treatment of alcoholics, as well as appropriate

safeguards imposed in misdemeanor proceedings. The following were visited: SHPD "Dr Slavoljub Bakalović" in Vršac, SHPD "Gornja Toponica" in Gornja Toponica, SHPD "Sveti Vračevi" in Novi Kneževac. To this end, NPM also visited the Special Prison Hospital in Belgrade during the reporting period.

The thematic report of the NPM from these visits will be prepared in 2021, and the findings from these visits will be presented in the Annual Report of the NPM for 2021.



The visit of NPM to SHPD "Sveti Vračevi" in Novi Kneževac



SHPD "Dr Slavoljub Bakalović" in Vršac and SHPD "Gornja Toponica"

The professional conduct of management and employees during the NPM visits to these psychiatric hospitals and the Special Prison Hospital in Belgrade in the current epidemiological conditions, was an example of good practice in dealing with the law's obligation to cooperate with the NPM.

In 2020, two reports were made on regular, systematic visits⁴⁰ and a total of 21 recommendations were addressed regarding the treatment of persons who are in accommodation and treatment in visited institutions. Most of the addressed recommendations are aimed at improving the procedure when applying the measure of physical restraint of patients, so that this measure is implemented and recorded in full accordance with the applicable regulations and standards of treatment of persons with mental disorders.

The NPM also received responses from the authorities on the actions, activities and measures taken in order to act upon the recommendations from the submitted reports. Acting on the recommendations of the NPM, visited institutions undertook activities for complete and detailed recording of data important for the implementation of the measure of physical restraint of agitated patients and improvement of procedures regarding informed consent of patients to the proposed medical measure, compiling special forms for informed consent in order to prevent the lump-sum approval of medical measures, development of a plan for education of secondary medical staff and the expansion of the plan of psychosocial rehabilitation in accordance with the individual needs of patients and adjusted to their capabilities.

The Clinical Center of Vojvodina informed the NPM that in cooperation with the Office for Public Investment Management, funds have been provided for the reconstruction of the building of the Clinic for Psychiatry. Its implementation is planned for 2021 in which way, in accordance with the recommendations intended for inpatient psychiatric treatment of children and adolescents providing a positive therapeutic environment to patients. In accordance with the recommendations of the NPM, information on patients' rights and mechanisms for their protection was posted at the Clinic and within hospital wards, as well as the Book of Complaints and the Book of Impressions.⁴¹

The General Hospital in Jagodina, in order to implement the recommendations regarding the provision of training of health workers on the conditions and procedure of applying the measure of physical restraint and developing a program of continuous specialist education of secondary medical staff, informed NPM that it has started cooperation with reference institutions in the country. Regarding the recommendation to create conditions and enable patients to spend a certain amount of time outdoors, regardless of the weather conditions, reconstruction was planned which would give psychiatric

⁴⁰ Report on the visit to the Clinic for Psychiatry of the Clinical Center of Vojvodina (No. 413-50 / 19) and Report on the visit to the Psychiatry Service of the General Hospital Jagodina (No. 413-67 / 19).

⁴¹ Available at: https://npm.rs/index.php?option=com_content&view=article&id=986:поштупање-клиничког-центра-војводине-по-препорукама-нпм&catid=112&Itemid=116.

patients a green area for recreation and stay in the fresh air, but the works were postponed due to the epidemiological situation.⁴²

Regarding the NPM's recommendation to the Ministry of Health to take action to establish a community mental health center, the Ministry of Health informed the Protector of Citizens that a working group is being formed to implement and enforce the Mental Health Strategy Action Plan for 2019-2026. Moreover, in the conditions of a pandemic, activities in that field are conditioned by epidemiological recommendations, considering that field-work is necessary for the establishment of mental health centers.

In some institutions, the need for timely planning of employment of health workers and timely education of necessary staff for future work is especially pronounced. Also, there is still a lack of continuous specialist education of secondary medical staff to work with people with mental disorders, which can contribute to the emergence of behaviors that may have the character of ill-treatment. There is also a lack of capacities for taking care of the urgent conditions of minors, which makes it impossible for all patients to be treated close to their families.

As in previous reporting periods, in this reporting period it was noticed that there is still a small number of community mental health services, despite the need to intensify deinstitutionalization activities in terms of abandoning the practice of long-term hospital stays and establishing extra-institutional care and community support for people with mental disabilities (and their families), in order to take care of them and enable life and treatment in the community.

Given that in the current epidemiological situation (as well as in similar emergencies) the need to improve the mental health care system becomes even more pronounced and significant than in regular circumstances, it is necessary without delay: to develop a network of community mental health services to provide comprehensive protection of mental health, with the least possible restrictions and as close as possible to the family; to strengthen the staff of the existing specialized services at health institutions, and to provide continuous education of employees in the field of mental health. No less important segment is investing in the fight against stigmatization and discrimination of people with mental disorders, raising awareness of the importance of mental health and investing in mental health reforms to respect human rights and treat people with mental disorders in accordance with the principles of modern psychiatry. The lack of funds for the protection of mental health and the lack of data on the percentage of these funds in relation to the

⁴² Available at: https://npm.rs/index.php?option=com_content&view=article&id=967:служба-за-психијатрију-опште-болнице-у-јагодини-и-министарство-здравља-поступили-по-препорукама-заштитника-грађана&catid=110&Itemid=113.

funds allocated for health in general must not serve as a justification or be an obstacle to necessary investments in preserving and improving mental health.

In the coming period, the NPM plans to intensify the dialogue with the Ministry of Health, regarding possible ways of implementing certain recommendations. This refers primarily to general recommendations for the removal of shortcomings.

GENERAL RECOMMENDATIONS FOR THE REMOVAL OF SHORTCOMINGS

The Ministry of Health should increase the number of employees of different profiles in psychiatric institutions, in order to enable the treatment of patients in full compliance with regulations and standards.

The Ministry of Health should take measures within its competence in order to improve the application of the measure of physical restraint by tying patients in psychiatric hospitals.

The Ministry of Health will undertake activities in order to establish centers for the protection of mental health in the community while providing the necessary resources, and for the prevention, treatment and rehabilitation of patients in the community and the improvement of mental health.

4.5. TREATMENT OF REFUGEES / MIGRANTS

During the reporting period, the NPM continued to monitor the position of migrants in Serbia. There IS still a small number of migrants who are real asylum seekers. Unaccompanied minor migrants were placed in asylum centers in Bogovađa and Sjenica – under the jurisdiction of the Commissariat for Refugees and Migration, institutions Vasa Stajić, the Institute for the Education of Children and Youth in Niš and J.J. Zmaj under the authority of the Ministry of Labor, Employment, Veteran and Social Affairs and in two houses managed by non-governmental organizations: the House "Pedro Arupe" in Belgrade – organization *Jesuit refugee service* and House of Salvation in Loznica – organization *Border free Serbia*.

During the reporting period, the NPM visited all the above institutions, in order to monitor the treatment of unaccompanied minor migrants, but the report from the visit with recommendations to the competent authorities was sent in 2021, and the findings from these visits and recommendations will be presented in the NPM Annual Report for 2021.

During 2020, the NPM visited the reception centers for migrants in order to check the conditions in them, the treatment of persons in these centers and the measures taken by the Commissariat for Refugees and Migration to protect against the spread of the Coronavirus. On the occasion of these visits, the NPM prepared a report with 12 recommendations which were sent to the competent authorities⁴³.

Migrants were not allowed to move outside the circle of reception centers and asylum centers in the period from March 16, when the Government passed the Decision on Temporary Restriction of Movement until May 14, 2020, when the Minister of Health issued the Order on Termination of the Order on Restriction of Movement at the Approaches to Open Areas and Facilities of Reception Centers for Migrants and Asylum Centers. Contact with the outside world was made possible for migrants via the Internet and telephone.

During the visit, the NPM noticed that the number of accommodated persons in certain centers was increased, considering that during the state of emergency, migrants who were outside the centers were accommodated in the centers. CFMS has taken measures to relieve the accommodation capacities, as well as to provide the beneficiaries of the centers with all relevant information about the COVID-19 pandemic and the reasons for restricting movement, as well as the recommendations of the World Health Organization. A daily bulletin was launched, which was translated into English, French, Faroese and Arabic and distributed to all centers where migrants are accommodated. Medical teams are present in all centers. As far as hygienic and epidemiological surveillance is concerned, the control was performed by territorially competent public health institutes. Insulation rooms are also equipped in all centers. Additional funds were procured for personal and collective hygiene and disinfection, as well as masks and gloves for the employees of the centers, and a large number of volunteers appeared among the migrants and asylum seekers, who helped the employees of the Commissariat to organize additional prevention measures.

During the visit to the Reception Center in Obrenovac and the Reception Center in Adaševci, the NPM noticed that the accommodation capacities were overcrowded, and the accommodation conditions were at an unsatisfactory level. During the visit to the Reception Center in Obrenovac, the NPM team had the opportunity to make sure that mutual conflicts and other incidents are frequent, that conflicts between migrants damage and destroy property in the Center, that there are not enough employees of the Commissariat for Refugees and Migration, that the officers are not trained or have legal powers that they would apply in case of disturbance of order and peace in the Center,

⁴³ Available at: <https://npm.rs/attachments/article/934/Izvestaj.pdf>.

and that their work on the reception and care of migrants in such circumstances and conditions is extremely difficult. Having in mind the above and in order to prevent adverse events, NPM sent a letter to the Police Department for the City of Belgrade with a proposal to ensure the permanent presence of police officers in this Center, after which the police submitted a statement that they took over the Center's security.

Having in mind the material conditions in visited centers, especially the overcrowdedness of accommodation capacities, conditions for maintaining personal hygiene, unsuitability of tents and other temporary facilities for longer stay of persons in them, NPM pointed out to the competent authorities that such treatment can reach the threshold of inhuman and degrading treatment. In this regard, the NPM drew attention to the fact that if in the future our country faces a new wave of infection, which will eventually require the introduction of restrictive measures, the competent authorities, especially CFMS, should take measures to relieve accommodation, i.e. to consider the possibility of opening new reception centers in order to optimize the number of accommodated migrants, as well as to undertake activities to improve the conditions of accommodation and stay in all centers in order to ensure conditions for respecting the fundamental human rights of migrants staying in reception centers in the Republic of Serbia.



Reception Centre for migrants in Obrenovac

The NPM paid a visit to the Shelter for Foreigners in Padinska Skela in order to monitor the implementation of the CPT Principles on the treatment of persons deprived of their liberty during the COVID 19 pandemic. This visit was carried out as part of the thematic visits carried out by the NPM during the state of emergency in order to monitor the application of the CPT

Principles on the treatment of persons deprived of their liberty during the COVID 19 pandemic. The findings of this visit are presented in the Thematic Report on the *Application of the CPT Principles on the Treatment of Persons Deprived of their Liberty during the Coronavirus Pandemic*.

During the reporting period, the NPM also monitored the actions of the border authorities at Nikola Tesla Airport and the conditions in which persons deprived of their liberty reside in the transit zone. In the reporting period, activities were undertaken to improve the accommodation conditions in which persons stay in the transit zone, given that the works on the reconstruction of the Airport included the construction of a new premise for accommodation of foreigners who were denied entry, which will be in accordance with applicable standards. Also, acting on the recommendation of the NPM, the Belgrade Border Police Station at Nikola Tesla Airport pointed out the contacts of competent domestic and international organizations that provide assistance to these persons in exercising their rights in a visible place in the room where persons denied entry to the Republic of Serbia are accommodated.



***A room for mothers with children
who were denied entry to the country at Nikola Tesla Airport***

During 2020, the Report on the visit to the Niš Border Police Station and the "Konstantin Veliki" Airport in Niš, which was performed in 2019 was sent to the competent authorities. Bearing in mind that BPS Niš does not have the conditions for registration of foreigners who have expressed their intention to seek asylum in the Republic of Serbia, the NPM sent a recommendation to provide this, and the Border Police Department informed the NPM that it will solve technical possibilities in accordance with its capabilities regarding the registration of foreigners who have expressed

their intention to apply for asylum and take measures to provide necessary equipment and adequate premises.

The NPM considered the Proposed Conclusion on the adoption of the Migration Profile of the Republic of Serbia for 2019 and proposed that the Statistics related to the prevention of illegal entry and stay be supplemented with statistical data on forced removals.

4.6. ENFORCEMENT OF DISCIPLINARY SANCTIONS — PROHIBITION OF REMOVAL FROM SPECIAL PREMISES IN A MILITARY FACILITY

Since the Law on the Serbian Army prescribes disciplinary sanctions that can be imposed for violation of military discipline and some of them, in terms of the Optional Protocol, represent imprisonment, in 2019 the NPM began the practice of visiting military facilities where the premises for the enforcement of disciplinary sanctions consisting of the prohibition of removal from special premises in a military facility are located.

The NPM considers that the Republic of Serbia is acting in this way on the recommendation of the Committee of Ministers of the Council of Europe to member states to take measures to protect members of the armed forces from torture or inhuman or degrading treatment or punishment, paying special attention to vulnerable categories such as recruits. Also, NPM visits are a form of civilian and democratic control of the Serbian Army provided by the Constitution, as well as the Law on the Serbian Army, which stipulates that democratic and civilian control of the Serbian Army is performed by the National Assembly, the Protector of Citizens and other state bodies in accordance with their competencies, citizens and the public.⁴⁴

During the visit to the barracks, the NPM did not find any person enforcing the disciplinary sanction prohibiting removal from special premises in the military facility, nor were those sanctions imposed during 2019 until the day of the NPM visit. In most units of the Serbian Army and most of the barracks visited, these sanctions have not been imposed or enforced since 2011, when the obligation to serve military service was suspended.

In practice, disciplinary sanctions consisting of a ban on removal from special premises in a military facility are difficult to enforce. Namely, a member of the Serbian Army is responsible for the violation of duty from the service, while he is in the service. In the conditions of voluntary military service, when soldiers are under a contract concluded with the Ministry of Defense,

⁴⁴ Law on the Serbian Army, Art. 29. par. 3.

imposing a ban on removal from special premises in a military facility for more than two days would mean the need to extend military service, i.e. contract extension, and all rights and obligations arising therefrom, including the right to a salary. In addition, the extension of the contract requires the consent of the will of the contracting parties, which the soldier to whom this prohibition was imposed does not have to give.

The NPM finds that this is the reason why these sanctions are rarely imposed and executed, i.e. that in most units they have not been imposed or executed for almost a full decade since the suspension of military service, and the question of the purpose and scope of prescribing these disciplinary sanctions arises. A disciplinary sanction consisting of a ban on removal from special premises in a military facility would be significant in the event of the reintroduction of conscription.

During the reporting period, the NPM prepared and sent a report on visits to military facilities that were carried out during 2019 in order to monitor the treatment of members of the Serbian Army in the enforcement of disciplinary sanctions that may constitute deprivation of liberty⁴⁵. As a result of following the recommendations, the material conditions in the disciplinary premises were improved, the provisions of the instructions governing the manner of execution of the sanction were reviewed and updated, and written documentation of information on the treatment of the sanctioned soldier and important events during the execution of the sanction was established. The daily regime of activities was pointed out in the premises, it was possible for the visits to the sanctioned soldier to take place in privacy, a mandatory medical examination was introduced before the beginning of the execution of the sanction, as well as a conversation with a psychologist. It is regulated that the distribution of therapy is performed exclusively by medical staff, and the obligation to inform sanctioned soldiers about the possibility of submitting a complaint to the Protector of Citizens is envisaged.

4.7. OVERSIGHT OF THE PROCEDURES OF FORCED REMOVAL OF FOREIGNERS

During 2020, the NPM performed 18 inspections of the procedures of forced removal of 40 foreigners. In this regard, two reports were prepared, and 10 recommendations were made to address the identified shortcomings.

As part of its oversight over the forced removal of foreigners, the NPM has established cooperation with the Ministry of Interior - Border Police

⁴⁵ Available at: <https://npm.rs/attachments/article/948/izvestaj%20vojni%20objekti.pdf>.

Department and especially the Shelter for Foreigners in Padinska Skela. This cooperation was also supported by the United Nations High Commissioner for Refugees (UNHCR), which provided interpreters to the NPM.

During the inspections, it was noticed that the police officers who carry out the removals respect the integrity and dignity of foreigners and show a high level of professionalism in performing this work. Compared to the previous reporting period, the NPM in this period noticed an improvement in the treatment of foreigners by police officers, i.e. that foreigners are informed in a timely manner and at least 24 hours in advance about the implementation of forced removal, that they are allowed to inform the person of their choice that they will be removed from the country, that police officers do not carry firearms in a visible manner during the transport of children who are forcibly removed.

Also, activities were undertaken to expand the capacity of the Shelter for Foreigners and in the reporting period the construction of a new facility that will be in line with applicable standards began, in connection with which the NPM sent a letter to the Ministry of Interior indicating that objects of this type should meet international standards. The facility will contain rooms for accommodation, dining room and kitchen, room for medical examinations and other necessary premises, and in cooperation with the Ministry of Health, the Shelter will provide medical staff, who would be present daily, perform medical examinations, prescribe and distribute therapy and supervise over general hygienic conditions.

Two new shelters were built in Dimitrovgrad and Plandište, which were not put into operation in the reporting period.

As the biggest problem in the forced removal procedure, the NPM found that foreigners in the return procedure do not always have the opportunity to point out the existence of facts that would indicate obstacles to be forcibly removed to a particular country, which may lead to violation of the Article 3 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.⁴⁶

The NPM sent a recommendation to the Ministry of Interior for full respect the principle of non-refoulement. The Ministry's response states that it plans to organize and hold seminars and trainings for officials who treat foreigners throughout the country in cooperation with UNHCR, regarding the fulfillment of conditions for making a decision on return in each specific case, but that due to epidemic measures and the situation related to the epidemic of infectious diseases in the past, it was not possible to implement these activities.

⁴⁶ Ratified by the Law published in the "Official Gazette of the SFRY - International Agreements", No. 9/91.

Regarding the above, the NPM sent appropriate recommendations and established a dialogue with the Ministry.

**GENERAL RECOMMENDATIONS
FOR THE REMOVAL OF SHORTCOMINGS**

The Ministry of the Interior will ensure that in the decision-making process on the return:

- **the foreigner has the opportunity to indicate that he/she is at risk of persecution in a particular country because of his/her race, gender, sexual orientation or gender identity, religion, nationality, citizenship, social group or political opinion, or where he/she is at risk of being executed, subjected to death penalty, torture, inhuman or degrading treatment or punishment, or serious violation of the rights guaranteed by the Constitution;**
- **the competent authority assesses these allegations of the foreigner and determines whether there are reasons for prohibiting forced removal in a particular case;**
- **the allegations of the foreigner and the determination of the competent authority on the prohibition of forced removal shall be stated in the explanation of the decision on return.**

ADDENDUM I

Recommendations issued to the authorities

I-1 – Recommendations issued to the Ministry of Interior, police departments and police stations

The Ministry of Interior and the Ministry of Justice will, by amending the Agreement on Cooperation, regulate that detained persons be placed in special rooms, separate from other persons deprived of their liberty.

The Ministry of Interior and the Ministry of Justice will, by amending the Agreement on Cooperation, regulate the manner in which the detained persons will be allowed to stay in the fresh air.

The Ministry of Interior and the Ministry of Justice will, by amending the Agreement on Cooperation, regulate the manner in which the detained persons will be provided with the means and conditions for maintaining personal hygiene.

The Ministry of Interior and the Ministry of Justice will submit an amended Agreement on Cooperation to all institutes for the enforcement of penal sanctions, i.e. to the police departments, in order to inform them about the obligations they have in dealing with detained persons.

Police Department in Smederevo

The Smederevo Police Department will not keep the seized items in the offices of police officers, but in a room intended for that purpose, and each such item is subject to the approval of the manner of marking and recording;

The Ministry of Interior will organize trainings for police officers of the Smederevo Police Department on the goals and techniques of the interrogation and conduct during the interrogation;

The Ministry of Interior will provide dedicated interrogation rooms in the police stations of the Smederevo Police Department and equip them with appropriate technical equipment for the purposes of recording the interrogation;

The Ministry of Interior will organize trainings for police officers on how to deal with persons with mental disabilities;

In cases of detention of citizens, the Smederevo Police Department will enter in the detention record information on when a family member or close person was informed about his deprivation of liberty;

The Smederevo Police Department will provide at least one complete meal to all persons who are kept longer than 12 hours.

Police Department in Novi Sad

In future work, the items confiscated by the Police Outpost Novo Naselje will not be kept in the offices of criminal inspectors, and each such item will be marked in an appropriate manner (with an indication of the case to which it refers);

The Ministry of Interior will organize trainings for police officers of the Novi Sad Police Department on the goals and techniques of the interrogation and conduct during the interrogation. The Ministry of Interior will provide a dedicated room for the interrogation of persons at the seat of the Novi Sad Police Department and equip it with appropriate technical equipment. The Ministry of Interior will organize trainings for police officers on how to deal with persons with mental disabilities;

The police outpost for on-duty, interventions and security will enter in the record of detention a person when a third person (family member or close person) has been informed about the fact of deprivation of liberty;

In the police outpost for on-duty, interventions and security, the police officers will state in writing in the record on the detention of the person the information that, at the request of the doctor for security reasons, they were present at the medical examination of the detained person;

The police outpost Novo Naselje will, in future work, in cases when a person refuses to receive and / or sign a written notice of rights, state this on the notice itself;

In all cases of detention of citizens, the police outpost for on-duty, interventions and security will enter in the record of detention information on when the police officers visited the detained person, as well as notes in that regard, if any;

In the detention facilities in the police outpost for on-duty, interventions and security of the Novi Sad Police Department, a bell will be installed to call the police officer on duty;

The Novi Sad Police Department will provide at least one complete meal to all persons who are kept longer than 12 hours.

Police Department in Čačak

The Ministry of Interior will organize trainings for criminal inspectors of the Gornji Milanovac Police Station on the goals and techniques of the interrogation and conduct during the interrogation. The Ministry of Interior will, without delay, equip the room with appropriate technical equipment, which PS Gornji Milanovac has determined for the interrogation of the suspects. The Ministry of the Interior will organize trainings for police officers of the PS Gornji Milanovac on how to treat people with mental disorders;

In PO Čačak, TPO Čačak and PS Gornji Milanovac, police officers will not attend the medical examination of detained persons, unless, for security reasons, the doctor performing the examination so requests. If the doctor requests the presence of police officers, they will state this in writing in the record of detention. Police officers are obliged to warn the doctor of all safety aspects that are relevant for the doctor's decision on the presence of non-medical staff at the medical examination. In TPO Čačak and PS Gornji Milanovac, the medical documentation of detained persons, including its copies, will not be kept by police officers, i.e. in cases of detention of persons;

TPO Čačak will count the start of detention of drivers who are excluded due to their psychophysical condition from the time of the beginning of the application of the police authorization – bringing to the station;

TPO Čačak will state to whom the appeal is submitted in the instruction on the right to appeal against the decision on detention;

Detention facilities in PO Čačak will be used for detention of persons (up to 48 hours according to the CPC, and on other legal grounds);

Exceptionally, when persons are detained in DP Čačak for up to 48 hours, police officers will supervise the implementation of this measure and will be responsible for exercising the rights of the detained person from his accommodation in the detention room until the end of detention;

The Ministry of Interior will provide privacy to detainees in the TPO Čačak by ensuring that the physiological needs of detainees cannot be seen on video surveillance;

The Ministry of Interior will provide complete bedding for the bed in detention room in PS Gornji Milanovac and TPO Čačak (mattress, pillow, pillowcase, sheet, blanket and blanket cover);

The Ministry of Interior will undertake activities in order to provide a greater supply of natural light and air, as well as stronger artificial lighting in the detention room in PS Gornji Milanovac;

The Ministry of Interior will install an electric bell button in the detention rooms in PS Gornji Milanovac and TPO Čačak to call the police officer on duty;

The Ministry of Interior will undertake the necessary activities in order to keep the videos from the video surveillance in PS Gornji Milanovac for at least 30 days;

The Ministry of Interior will provide a box with first aid kit in PS Gornji Milanovac and TPO Čačak;

The Ministry of Interior will set instructions for action in case of fire in PS Gornji Milanovac and TPO Čačak with an evacuation plan and will provide a fire extinguisher in TPO Čačak.

Police Department in Kraljevo

The Kraljevo Police Department will not keep the seized items in the offices of police officers, but in a room intended for that purpose.

The Ministry of Interior will organize trainings for police officers of PD Kraljevo on the goals and techniques of the interrogation and conduct during the interrogation.

The Ministry of Interior will provide dedicated premises for interrogation in the police stations of PD Kraljevo and will equip them with appropriate technical equipment for the purposes of recording the interrogation.

The Ministry of Interior will organize trainings for police officers on how to treat people with mental disorders.

In cases of detention of citizens, PD Kraljevo will enter in the detention record the data on when a family member or a close person was informed about deprivation of liberty.

PD Kraljevo will ensure that police officers, when dealing with medical examinations of detained persons, respect the following principles:

- police officers will not be present during medical examinations of detained persons;
- police officers are obliged to warn the doctor of possible security risks to perform the examination of the detained person without the presence of police officers;

- police officers will attend medical examinations of detained persons only at the request of a doctor, for security reasons;
- police officers will state in writing in the record on the detention of the person the information on whether they were present at the medical examination of the detained person, the content of any warning about security risks given to the doctor and the facts that were decisive for that.

PD Kraljevo will provide complete bedding for the beds in detention rooms (mattress, pillow, pillowcase, sheet, blanket and blanket cover) and will keep it clean on a regular basis.

PD Kraljevo will provide at least one complete meal to all persons who are kept longer than 12 hours.

Police Department in Niš

PD Niš will enter data in the records on detention when the person of the detainee's choice has been informed about the time and place of detention.

PD Niš will ensure that during the medical examinations of persons brought in and detained, police officers act as follows:

- police officers will not be present during medical examinations of persons, unless requested by a doctor;
- police officers are obliged to warn the doctor about all safety aspects of importance for making a decision on the presence of non-medical staff at the medical examination;
- in cases when a doctor requests that the police officers are present during medical examination of the person, the examination will be attended by police officers of the same sex as the person being examined and will be present so that they cannot hear the conversation between the doctor and the person;
- police officers will enter data on the provided medical assistance and possible presence at the medical examination and the reasons for that in the documentation on the brought and detained persons.

PD Niš will provide persons detained in criminal proceedings with means for maintaining personal hygiene;

PD Niš will enable persons detained in criminal proceedings to stay in the fresh air.

Police Department in Sremska Mitrovica

The Ministry of Interior will undertake activities in order to provide, without delay, a special room for the storage of temporarily seized items under the CPC for the needs of PO Sremska Mitrovica;

The Ministry of Interior will organize trainings for criminal inspectors of PO Sremska Mitrovica on the goals and techniques of the interrogation and conduct during the interrogation. The Ministry of Interior will, without delay, equip the designated room for interrogations of persons in PO Sremska Mitrovica with appropriate technical equipment;

PO Sremska Mitrovica will enter in the record on the detention of a person the information on when a third person (family member or close person) was informed about the fact of deprivation of liberty;

In PO Sremska Mitrovica, police officers will not be present during the medical examination of detained persons, unless, for security reasons, the doctor performing the examination requests so. If the doctor requests the presence of police officers, they will state this in writing in the record of detention. Police officers are obliged to warn the doctor of all safety aspects that are relevant for the doctor's decision on the presence of non-medical staff at the medical examination;

PO Sremska Mitrovica will enter in the records of detention information on when the police officers visited the detained person, as well as notes in regard to that, if any;

PO Sremska Mitrovica will deliver a copy of the record of detention to the detained person, and if the detained person refuses to receive or sign it, it will be stated in the record of detention;

PO Sremska Mitrovica, will take actions with the aim of continuously providing complete bedding for beds in detention facilities (pillowcase, sheet and blanket cover) for each detained person.

Police Station Aleksinac

In its future work, PS Aleksinac will mark all seized items in an appropriate manner (with an indication of the case to which it refers) and enter them in the Book of records of seized items;

The Ministry of Interior will organize trainings for police officers of the PS Aleksinac on the goals and techniques of the interrogation and conduct during the interrogation;

The Ministry of the Interior will undertake activities in order to provide a special room for the interrogation of persons in PS Aleksinac, equipped with technical equipment for audio and/or video recording of the interrogation of persons;

The Ministry of the Interior will organize trainings for police officers on how to deal with persons with mental disabilities;

In cases of detention of citizens, PS Aleksinac will enter in the record of detention the data on when a family member or a close person was informed about deprivation of liberty;

PS Aleksinac will ensure that police officers state in writing in the record on the detention of a person that they were present at the request of the doctor for a medical examination of the detained person. In PS Aleksinac, police officers will not keep medical documentation of detained persons in detention files. The doctor's reports will be given to the examined detainee. The police officer will ask the doctor who examined the person for information on the possible need for specific treatment of the detainee, taking into account his health condition, i.e. to enable him to exercise his right to health care (e.g. special diet, medication, therapy, specialist examination and the like). In connection with the information obtained, the police officer will make an official note which will be kept in the file of detention of persons.

Police Station Sjenica

PS Sjenica will hand over a copy of the detention report to the detainee;

PS Sjenica shall enter in the records on the detention of a person the data on the time when a family member or other close person was informed about deprivation of liberty;

PS Sjenica will ensure that during medical examinations of brought in and detained persons, police officers act as follows:

- police officers will not attend medical examinations of persons, unless requested by a doctor;
- police officers are obliged to warn the doctor of all safety aspects of importance for making a decision on the presence of non-medical staff at the medical examination;
- in cases when the doctor requests that the police officers are present during medical examination of the person, the examination will be attended by police officers of the same sex as the person being examined and will be present so that they cannot hear the conversation between the doctor and the person;

- persons will be allowed to keep medical documentation with them, this documentation will not be kept by police officers and information on the health condition of persons will be available only to health care workers and the person;
- exceptionally, information on the health status of a person will be available to police officers only if it is relevant to the treatment and to the extent necessary to perform their work: the opinion of the doctor on whether the person is in a health condition that allows him to be detained and whether he needs special attention or care during detention (for example therapy, special diet or similar);
- police officers will enter in the documentation on the brought in and detained persons the data on provided medical assistance and all important data on the possible presence during the medical examination and the reasons for that.

PS Sjenica will provide complete bedding in the detention room (mattress, pillow, pillowcase, sheet, blanket and blanket cover) and will keep it clean;

PS Sjenica will display the notice on video surveillance of the detention room in a visible place inside the room

Police Department in Kikinda

PD Kikinda will enter in the records on the detention of a person the data on the time when a family member or other close person was informed about deprivation of liberty.

PD Kikinda will ensure that during the medical examinations of persons brought in and detained, police officers act as follows:

- police officers will not be present during medical examinations of persons, unless requested by a doctor;
- police officers are obliged to warn the doctor of all safety aspects of importance for making a decision on the presence of non-medical staff at the medical examination;
- in cases when a doctor requests that police officers are present during a medical examination of a person, the examination will be attended by police officers of the same sex as the person being examined and will be present so that they cannot hear the conversation between the doctor and the person;
- police officers will state in writing the presence of medical examinations and the reasons for that.

Police Department in Valjevo

PD Valjevo will take the necessary measures in order to create conditions for adequate storage of all items in the space intended for storage of seized items. All non-standard items will be removed from the office premises - the office of police officers, and the seized items will be kept in the designated room and each such item will be marked and entered in the records in an appropriate manner;

PD Valjevo will designate a room for the interrogation of persons and equip it with appropriate technical equipment for audio and/or video recording of the interrogation;

PD Valjevo will enter in the records on the detention of a person the data on the time when a family member or other close person was informed about deprivation of liberty;

PD Valjevo will take measures to inform all detained persons of their rights by delivering a written notice;

PD Valjevo will take measures:

- to keep a record of detentions in criminal proceedings, through a unique electronic system;
- to record in all records on detention all data of importance for the treatment of the detained person and the exercise of his rights during the detention;
- to enable the detained persons to keep the complete documentation on the detention with them during the detention, as well as to hand them a copy of the record on the detention upon the expiration of the detention;
- that if the detained persons refuse to receive/sign the documentation on detention, it will be stated on the act that they refused to receive/sign, with the explanation given by the detained person for that.

PD Valjevo will provide at least one complete meal to all persons who are kept longer than 12 hours.

Police Station Novi Beograd

The Ministry of Interior will undertake activities in order to provide technical equipment for audio and/or video recording of the interrogation of persons in order to put the interrogation facilities in the PS Novi Beograd into operation;

In its future work, PS Novi Beograd will not keep confiscated items originating from the crime in the offices of criminal inspectors, and each such item will be marked in an appropriate manner (with an indication of the case to which it refers) along with special records kept. PS Novi Beograd will improve the handling of confiscated cases originating from criminal offenses and in order to act in full compliance with the cited laws and bylaws to establish continuous written communication with the Public Prosecutor's Office in each individual case, or for each temporarily seized case to determine whether there is a need for further storage of the case or whether it needs to be returned, destroyed or handed over to the Public Prosecutor's Office or court;

The Ministry of Internal Affairs will undertake activities in order to develop an evacuation plan and instructions for dealing with fires and will also submit them to the PS Novi Beograd.

Police Department for the City of Belgrade

The Ministry of Interior will take care to provide a special room for storage of temporarily seized items under the CPC for the needs of PS Vračar and PS Zemun without delay. In their future work, PS Čukarica, PS Zvezdara and PS Zemun will not keep confiscated items originating from the criminal offense in the offices of criminal inspectors, and each such item will be appropriately marked (with an indication of the case to which it refers) and entered in a special record or Book of records of seized items;

The Ministry of Interior will organize trainings for the police officers of the Police Department for the City of Belgrade on the goals and techniques of the interrogation, and the conduct during the interrogation. The Ministry of Interior will equip the premises provided for that purpose with the appropriate technical equipment for the purposes of recording the interrogation in the police stations of the Police Department for the City of Belgrade. The Ministry of Interior will organize trainings for police officers on how to deal with persons with mental disabilities;

PS Rakovica and PS Čukarica will in all cases of detention of citizens in the record of detention enter information on whether, and if so, when a family member or close person was notified of deprivation of liberty and state information on which person was notified in a note;

PS Vračar will undertake activities in order to adequately conduct detention cases under the CPC;

PD for the City of Belgrade will ensure that police officers, when dealing with medical examinations of detained persons, respect the following principles:

- police officers will not be present during medical examinations of detained persons;
- police officers are obliged to warn the doctor of possible safety risks to perform the examination of the detained person without the presence of police officers;
- police officers will be present during medical examinations of detained persons only at the request of a doctor, for security reasons.
- in cases when police officers are present during a medical examination of a detained person, the examination will be attended by police officers of the same sex as the person being examined and will be present so that they cannot hear the conversation between the doctor and the detained person;
- the police officers shall state in writing in the record on the detention of the person the information on whether they were present at the medical examination of the detained person, the content of any warning about security risks given to the doctor and the facts that were decisive for that;
- medical documentation for that person will not be attached to cases made on the occasion of detention of a person and information on the health condition of the detained person will be available exclusively to medical workers for the purpose of providing health care to the detained person;
- exceptionally, information on the health condition of a detained person will be available to police officers only if it is relevant to the treatment of the detainee during the detention and to the extent necessary to perform their work: the doctor's opinion on whether the person is in a health condition to be detained and whether he needs special attention or care during detention (for example therapy, special diet or similar);
- police officers will make an official note on the information received by the doctor about the health condition and/or health care needs of the detained person;
- Detainees will be allowed to keep copies of the report on the performed medical examinations.

The Police Department for the City of Belgrade will provide the police stations within it with complete equipment for bedding in the detention rooms (mattress, pillow, pillowcase, sheet, blanket and blanket cover) and will keep it clean on a regular basis. The Police Department for the City of Belgrade will install an electric bell button in the detention rooms to call the police officer on duty. The Ministry of Interior will take the necessary measures

to keep video surveillance videos in PS Čukarica, PS Vračar, PS Palilula and PS Zvezdara for at least 30 days, and will, if necessary, do so with regard to other police stations that are part of the Police Department for the City of Belgrade;

PD for the City of Belgrade will take action to ensure that all persons detained for more than 12 hours receive at least one complete meal at all police stations, and that, where conditions exist, persons detained by the police for 24 hours or longer have possibility to go out into the fresh air.

Police Station Grocka and Police Outpost Kaluđerica

In the future work, PS Grocka will mark all confiscated items originating from the criminal offense in an appropriate manner (with an indication of the case to which it refers) and enter them in the Book of Records of Confiscated Items;

In PS Grocka, in all reports on the use of coercive means, the immediate supervisor will give an assessment of whether the police officer used the means of coercion justifiably, i.e. correctly;

PS Grocka and PO Kaluđerica will, in cases of detention of citizens, enter in the record of detention the data on when a family member or a close person was informed about deprivation of liberty;

Police officers in PO Kaluđerica will attend medical examinations of detained persons exclusively at the request of a doctor, for security reasons. PS Grocka and PO Kaluđerica will ensure that police officers state in writing in the record of detention the information on whether they were present at the medical examination of the detained person, the content of any warning about security risks given to the doctor and the facts that were decisive for that;

PO Kaluđerica will provide complete equipment for bedding in the detention premises (mattress, pillow, pillowcase, sheet, blanket and blanket cover) and will keep it clean on a regular basis;

PO Kaluđerica will paint the detention premises;

No more than one detainee shall be accommodated in the detention premises of PO Kaluđerica;

The Ministry of Interior will provide workers for maintaining the hygiene of the premises in PO Kaluđerica;

PS Grocka and PO Kaluđerica will provide at least one complete meal to all persons who are kept longer than 12 hours.

Police Station Voždovac

The Ministry of Interior will organize trainings for police officers of the PS Voždovac on the goals and techniques of the interrogation and conduct during the interrogation;

The Ministry of Interior will equip the interrogation room in PS Voždovac with appropriate technical equipment for the purposes of recording the interrogation;

The Ministry of Interior will organize trainings for police officers on how to deal with persons with mental disabilities;

PS Voždovac will, in cases of detention of citizens, enter in the record of detention information on when a family member or close person was informed about deprivation of liberty;

PS Voždovac will ensure that police officers state in writing in the record of detention of persons the fact that they were present at the request of the doctor for a medical examination of the detained person;

PS Voždovac will provide at least one complete meal to all persons who are kept longer than 12 hours.

Police Station Savski Venac

The Ministry of Interior will undertake activities in order to provide, without delay, a special room for the storage of temporarily seized items under the CPC for the needs of PS Savski Venac;

The Ministry of Interior will organize trainings for criminal inspectors of the PS Savski Venac on the goals and techniques of the interrogation and conduct during the interrogation. The Ministry of Interior will, without delay, equip the designated room for interrogations of persons in PS Savski Venac with appropriate technical equipment. The Ministry of Interior will organize trainings for police officers of PS Savski Venac on how to treat persons with mental disorders;

In PS Savski venac, police officers will attend medical examinations of persons only if the doctor requests it for security reasons. In PS Savski Venac, the police officers will state in writing in the record on the detention of persons, i.e. the official note, the information that, at the request of the doctor for security reasons, they were present at the medical examination of the person;

PS Savski Venac will enter in the records of detention information on when the police officers visited the detained person, as well as notes in that regard, if any;

PS Savski venac will provide complete equipment for bedding in the detention rooms (pillowcase, sheet and blanket cover) for each detained person and will keep it clean on a regular basis;

PS Savski venac will provide at least one complete meal to all persons who are kept longer than 12 hours.

Police Station Obrenovac

In PS Obrenovac, non-standard items will be removed from the official premises - the offices of police officers. Confiscated items shall be kept in a designated area and each such item shall be appropriately marked and recorded;

The Ministry of Interior will organize trainings for police officers of PS Obrenovac on the goals and techniques of the interrogation and conduct during the interrogation;

The Ministry of Interior will undertake activities in order to provide a special premise for the interrogation of persons in PS Obrenovac equipped with technical equipment for audio and/or video recording of the interrogation of persons;

The Ministry of Interior will organize trainings for police officers on how to deal with persons with mental disabilities;

PS Obrenovac will, in cases of detention of citizens, enter in the record of detention information on when a family member or close person was informed about deprivation of liberty;

PS Obrenovac will ensure that the police officers state in the record of the detention of persons in writing the fact that they were present at the request of the doctor for the medical examination of the detained person. In PS Obrenovac, detained persons will be allowed to keep medical documentation, this documentation will not be kept by police officers and information on the health condition of persons will be available only to medical workers in order to exercise the competencies established by law and the detained person. Exceptionally, information on the health status of detainees will be available to police officers only if it is relevant to the treatment and to the extent necessary to carry out their work: a doctor's opinion on whether the person is in a state of health that allows him/her to be detained and whether he/she needs special attention or care during detention (e.g. therapy, special diet or similar);

PS Obrenovac shall provide all the persons detained for more than 12 hours at least one complete meal.

Police Department for the City of Belgrade – the seat

The Police Department for the City of Belgrade will form a separate storage space at the headquarters of the Police Department for all items seized during criminal investigations, primarily for seized narcotics. The Ministry of Interior will establish cooperation with the Ministry of Justice in order to hand over all temporarily seized items to the court after the confirmation of the indictment, in accordance with the applicable regulations;

The Criminal Police Directorate will determine the premises for the interrogation of persons. The Ministry of the Interior shall, without delay, equip the designated premises for the interrogation of persons with appropriate technical equipment for audio and/or video recording of the interrogation when it is, under the authority of the public prosecutor, performed by a police officer;

PD for the City of Belgrade will ensure that the reasons for the detainee's statements are stated in the detention records that the detainees refused to sign;

PD for the City of Belgrade will display notices on video and audio surveillance in the detention facilities in a visible place inside the premises;

PD for the City of Belgrade will provide at least one complete meal to all persons who are kept longer than 12 hours.

PD for the City of Belgrade will take measures:

- that all detainees are informed of their rights by handing them written notice, in a language they understand;
- to enter in the record of detention data on all activities undertaken towards the detained person and the exercise of his rights;
- to enable the detained persons to keep the complete documentation on the detention with them during the detention, as well as to hand them a copy of the record on the detention upon the expiration of the detention;
- that if the detained persons refuse to receive/sign the documentation on detention, it will be stated on the act that they refused to receive/sign, with the explanation given by the detained person for that;
- that the detention of a person is calculated from the moment when the person is deprived of liberty: from the moment of the beginning of the application of the police authorization - bringing, i.e. from the moment of arrest or responding to the summons.

The Police Department for the City of Belgrade will take measures to enter in the records of detention all relevant data on informing a close person of the detained person about the time and place of detention, and in particular:

- whether and who was informed about the time and place of detention;
- time of informing a close person;
- information that the detained person did not want to inform a close person.

The Police Department for the City of Belgrade will ensure that during medical examinations of persons brought and detained, police officers act as follows:

- police officers will not be present during medical examinations of persons, unless requested by a doctor;
- police officers are obliged to warn the doctor about all safety aspects of importance for making a decision on the presence of non-medical staff at the medical examination;
- in cases when a doctor requests that police officers are present during a medical examination of a person, the examination will be attended by police officers of the same sex as the person being examined and will be present so that they cannot hear the conversation between the doctor and the person;
- persons will be allowed to keep medical documentation with them, this documentation will not be kept by police officers and information on the health condition of persons will be available exclusively to medical workers in order to exercise the competencies established by law and to the person;
- exceptionally, information on the health condition of a person will be available to police officers only if it is relevant for the treatment of them and to the extent necessary to perform their work: the opinion of the doctor on whether the person is in a health condition that allows him/her to be detained and whether he/she needs special attention or care during detention (for example therapy, special diet or similar);
- Police officers will enter data on the provided medical assistance and possible presence at the medical examination and the reasons for that in the documentation on the brought and detained persons.

PD for the City of Belgrade will provide complete bedding for all detention rooms, which will be regularly kept clean;

PD for the City of Belgrade will provide at least one complete meal to all persons who are kept for more than 12 hours.

1-2 – Recommendations issued to the Administration for the Enforcement of Penal Sanctions and the Institutes for the Enforcement of Penal Sanctions

District Prison in Prokuplje

DP Prokuplje will assign misdemeanor convicted persons to a special section and prevent them from contacting convicted persons.

DP Prokuplje will determine the capacity of the dormitories in accordance with the standards provided for the living space of the prisoners and on that basis remove the excess beds from the dormitories.

DP Prokuplje will replace worn-out mattresses with new ones.

DP Prokuplje will provide misdemeanor convicts with lockers for personal belongings.

DP Prokuplje will separate the toilets from the rest of the dormitories so that the persons who use the toilet are provided with privacy.

DP Prokuplje will provide a basic hygiene package to every detainee upon admission to the Institution, without a special request.

DP Prokuplje will repair the mechanism for flushing toilets in the premise where detainees are accommodated.

DP Prokuplje will ensure that fruit is more represented in meals for persons deprived of their liberty, at least twice a week.

DP Prokuplje will provide a wider range of items for the procurement for persons deprived of their liberty, respecting their justified requests.

The Administration for the Enforcement of Penal Sanctions will enable all persons deprived of their liberty to have access to the rights prescribed by the Law on Free Legal Aid, as well as to the forms for submitting requests for free legal aid.

In DP Prokuplje, persons deprived of their liberty will be enabled to submit written requests for confidential conversations with the manager of the Institute through a special box.

The box for requests of persons deprived of liberty for confidential conversations with the manager of the Institute will be available to all persons deprived of liberty, marked to be for that purpose, locked and its key will be kept exclusively with the manager.

During the visit to the Institution, the manager will check the contents of the special box and take into account the requests that have been submitted in this way.

In DP Prokuplje, persons deprived of their liberty will receive certificates of delivery of documents submitted to the Institute.

The Administration for the Enforcement of Penal Sanctions will procure a scanner for the inspection of things for OZ Prokuplje.

DP Prokuplje will make an analysis of the needs for employees in the Security Service and submit it to the Administration for the Enforcement of Penal Sanctions.

The Administration for the Enforcement of Penal Sanctions will consider the justification of the analysis of the need for employees in the Security Service of DP Prokuplje and accordingly take all available measures in order to hire additional employees, taking into account the need for gender mixed employment.

In DP Prokuplje, employees whose insurance period is calculated with increased duration will be sent for health control without delay.

In DP Prokuplje, employees whose insurance period is calculated with increased duration will in the future be sent for health control at least once in 3 years.

In DP Prokuplje, whenever possible, videos of the application of coercive measures will be kept.

In DP Prokuplje, persons deprived of their liberty will be handcuffed during their removal from the Institution only when this is unequivocally justified based on a risk assessment in an individual case.

In DP Prokuplje, in the decisions on the application of a special measure - testing for psychoactive substances - will be stated why it is necessary to apply this measure to a certain person.

The Administration for the Enforcement of Penal Sanctions will take necessary measures so that persons deprived of their liberty against whom disciplinary proceedings are conducted in DP Prokuplje, have the opportunity to receive professional legal assistance in the proceedings.

The Administration for the Enforcement of Penal Sanctions will take measures to include employees in the treatment of DP Prokuplje in the trainings on the application of specialized work programs with convicted persons.

DP Prokuplje will take measures in addition to individual ones, to intensify other forms of treatment work with convicts in accordance with their needs

and affinities. The Institution should offer convicts more purposeful and socially useful activities, all with the aim of positively influencing the personality and fulfilling the individual treatment program.

The Administration for the Enforcement of Penal Sanctions will take measures and activities so that the Commissioner's Office in Prokuplje will start providing assistance and support services to convicts after the execution of the sentence.

DP Prokuplje will organize educational programs and programs for professional development that are adjusted to the length of stay of persons deprived of liberty in the Institution.

DP Prokuplje will take measures to create conditions for the employment of all categories of convicts, as well as detainees.

DP Prokuplje will not employ persons deprived of liberty who are not assigned a job by the treatment program.

DP Prokuplje will enable all employed persons deprived of liberty to use the right to weekly rest.

DP Prokuplje will offer more sports activities to convicts from the closed section.

DP Prokuplje will intensify the organization and implementation of cultural and artistic activities for all persons deprived of their liberty, in accordance with their affinities.

DP Prokuplje will deliver books from the library to detainees at their request.

DP Prokuplje will organize visits to detainees so that all detainees have the opportunity for regular visits.

Before informing the Ministry of Foreign Affairs that a foreign citizen has been admitted to the Institute, DP Prokuplje will determine whether the foreign citizen wants contact with the diplomatic and consular mission of his/her country and will state his/her wish in the notification he/she submits to the Ministry of Foreign Affairs.

DP Prokuplje will inform foreign citizens about the prison regime, their rights, obligations and other facts necessary for them to adjust their stay in the Institution in a language they understand, by compiling appropriate leaflets in languages that foreigners who come to this Institution most often understand, as well as by hiring translators as needed.

The Administration for the Enforcement of Penal Sanctions will take measures to engage a sufficient number of medical technicians for permanent presence of medical staff in the Institution.

DP Prokuplje will provide a special premise for outpatient interventions.

DP Prokuplje will provide all prescribed equipment for the Institution infirmary.

DP Prokuplje will improve the provision of health care to persons deprived of liberty who are in a separate department – so-called "Economy", by providing a premise intended for the provision of health care, where a doctor or a technician would occasionally come, or by better organization of transport of persons deprived of liberty to and from the infirmary at the head office of the Institute.

In DP Prokuplje, the distribution of medicines will be performed exclusively by medical staff.

In DP Prokuplje, injuries of persons deprived of their liberty will be photographed and drawn in the body scheme.

Penal–Correctional Institute in Pančevo

The Administration for the Enforcement of Penal Sanctions will undertake activities in order to inform all persons deprived of liberty in all institutions for the enforcement of penal sanctions about the right to free legal aid prescribed by the Law on Free Legal Aid and provide forms for submitting requests for free legal aid.

The Administration for the Enforcement of Penal Sanctions will include employees engaged in treatment work in the PCI Pančevo in the trainings and specialized professional training.

PCI Pančevo will take measures to employ interested misdemeanor convicts and detainees, in accordance with the law and applicable standards.

Before informing the Ministry of Foreign Affairs that a foreign citizen has been admitted to the Institute, PCI Pančevo will determine whether the foreign citizen wants contact with the diplomatic and consular mission of his/her country and will state his/her wish in the notification he/she submits to the Ministry of Foreign Affairs.

District Prison in Čačak

DP Čačak will undertake activities in order to enable ventilation in all dormitories in the closed section of the Institute with a direct supply of fresh air.

DP Čačak will fix moisture and mold, as well as paint all dormitories in the closed section of the Institute.

DP Čačak will fix the moisture and replace the faulty plumbing installations and devices in the toilets in the dormitories of the closed section of the Institution, in order for them to be in accordance with the valid regulations and standards.

DP Čačak will provide all convicts from the closed section of the Institution with the use of living space.

DP Čačak will provide lockers for personal belongings in all premises – dormitories.

Smokers and non-smokers will not be accommodated together in the same dormitory in DP Čačak.

In DP Čačak, the dormitory without windows, which is located in the closed section of the Institution, will not be used to accommodate persons deprived of their liberty.

DP Čačak will, within the premises used for the accommodation of persons detained for up to 48 hours, as well as for persons under special and disciplinary measures, place a notice that the premises are under video surveillance.

DP Čačak will equip the premise used for the execution of the measure of sending to solitary confinement with a table and a chair.

DP Čačak will not accommodate persons deprived of their liberty who are on hunger strike (refusing food and/or water) in a separate dormitory, separately from other persons deprived of their liberty.

Upon admission of persons deprived of their liberty in DP Čačak, they will not be required to give a statement on whether they were subjected to torture in the presence of police officers who brought them to the Institution, and information on any violations will be forwarded to the Service for health care.

The existence of injuries and their origin will be determined by a doctor during the first medical examination.

DP Čačak will continue to inform the competent public prosecutor's office about the information that persons have been treated violently.

DP Čačak will improve the system for calling security officers.

The Administration for the Enforcement of Penal Sanctions will take all available measures in order to hire enough employees in the Security Service of DP Čačak, taking into account the need for gender-mixed employment.

The Administration for the Enforcement of Penal Sanctions will procure a hand luggage scanner for DP Čačak.

In DP Čačak, employees whose insurance period is calculated with increased duration will be sent for health control without delay.

In DP Čačak, employees whose insurance period is calculated with increased duration will in the future be sent for health control at least once in 3 years.

Members of the Security Service of DP Čačak will apply coercive measures so that there is no further violation of order and security in the Institution and the need for further application of coercive measures, and coercive measures will be applied in the prescribed manner.

If necessary, security officers will be provided with additional training on the application of coercive measures.

In DP Čačak, the health condition of the person according to whom the measure of coercion is applied - tying with leather strips, will be continuously and directly monitored by the medical staff.

The measure of tying with leather strips will be abolished as soon as the reasons for its use cease and it will never be applied for more than 24 hours.

In DP Čačak, an order for tying up convicted persons who are not accommodated in a closed section will be issued only on the basis of an individual assessment that the person needs to be tied up.

Persons deprived of their liberty will have their legs tied during the escort only when it is explicitly stated in the escort order.

The documentation on the escort of persons deprived of their liberty shall state whether the person was tied during the escort and in what manner.

In DP Čačak, the exclusion of persons deprived of liberty from the regular regime of serving a sentence for reasons of safety and security will be performed on the basis of an appropriate decision made in the prescribed procedure.

The Administration for the Enforcement of Penal Sanctions will take measures so that the educators in DP Čačak will be released from additional work on the execution of non-institutional sanctions and measures.

The Administration for the Enforcement of Penal Sanctions will include specialized professional training of educators in the trainings in DP Čačak.

In future actions, educators will list in the section "procedures and activities towards the convict" precise activities in order to reduce the high or medium degree of risk for the area of functioning of the convict that is assessed as such.

DP Čačak will create conditions for the realization of established individual goals.

In DP Čačak, convicts will be accommodated in more favorable accommodation in the closed section of the Institution only if, by the decision of the manager made in the procedure provided by the valid regulations, they are granted an extended right to more suitable accommodation.

DP Čačak will conduct the procedure of granting extended rights and benefits, in accordance with the law, regardless of the current impossibility of using the granted rights, i.e. benefits that are used outside the institution.

In DP Čačak, persons deprived of their liberty will receive certificates of submission of requests for interviews with educators.

DP Čačak will improve individual treatment work in such a way that educators will be more often directly present, especially in the closed section of the Institution, in order to perform planned activities and thematic conversations with convicts regarding individual goals in order to ultimately assess the success of individual goals, i.e. conduct activities aimed at achieving an individual program of treatment of the convict, regardless of whether the convict submitted a request for an interview or not.

DP Čačak will provide adequate premises for educational and corrective work with convicts.

DP Čačak will organize and implement appropriate forms of group treatment work and specialized programs on topics of importance for achieving individual goals that are set for convicts in treatment programs.

DP Čačak will enable convicts to attend trainings and courses according to their interests and affinities.

The employment of persons deprived of their liberty in DP Čačak will be done in accordance with the applicable regulations.

DP Čačak will take measures for the purpose of paid, purposeful engagement of all interested persons deprived of liberty, who are serving a prison sentence or are in remand prison, in accordance with the law and applicable standards.

DP Čačak will offer convicts, especially from the closed section, participation in organized sports and recreational activities and tournaments.

DP Čačak will take measures to enable convicts to participate in cultural and artistic activities in their free time.

DP Čačak will provide and adequately equip a special premise for visits of a spouse, children or other close persons.

The Administration for Enforcement of Penal Sanctions will take measures to hire at least one doctor for an indefinite period of time in DP Čačak, as well as another medical technician.

The doctor in the Institution will submit periodical reports exclusively in writing to the manager, on the health condition of convicts, as well as findings and recommendations regarding the necessary physical activities of convicts, on the basis of which the manager will take appropriate measures.

In DP Čačak, the distribution of medicines will be performed exclusively by medical staff.

The first examination of persons deprived of their liberty in DP Čačak will always include an examination of all physical areas without clothing, in order to detect possible body injuries that may be related to the violent treatment of a person. The doctor of DP Čačak will, in the written report on the examination performed after the application of coercive measures, in addition to the description of objective medical findings, enter the allegations of the person against whom the coercive measure was applied on the manner of injuries and give an opinion on the connection between the applied measure and injuries.

After the first examination of the person deprived of liberty against whom the measure of coercion has been applied, the doctor will repeat the examination between the twelfth and twenty-fourth hour after the application of the measure.

DP Čačak will provide the services of at least one psychiatrist, hiring a doctor of the appropriate profession, which will ensure that a psychiatrist (or neuropsychiatrist) is present in the Institution, in accordance with the established needs of convicts.

The Administration for Enforcement of Penal Sanctions will take appropriate measures within its competence in order for the Institution to implement the said recommendation.

In DP Čačak, injuries of persons deprived of their liberty will be photographed and plotted in a body scheme, and the doctor will enter an opinion on the connection between the statement of the person and the injuries in the report on the identified injuries.

The doctor in DP Čačak will give the director of the Institution in writing the findings and recommendations on improving hygiene in the Institution and the condition of sanitary conditions and devices, heating, lighting and ventilation in the premises where persons deprived of liberty reside.

Penal – Correctional Institute in Sremska Mitrovica

The Ministry of Justice – Administration for Enforcement of Penal Sanctions – Penal-Correctional Institute in Sremska Mitrovica will without delay take effective measures within its competence to provide accommodation to all convicts who are currently accommodated in Pavilion IV in accordance with applicable regulations and standards either within the same institution, or by transfer to another one.

PCI Sremska Mitrovica will not accommodate convicts in the dormitories of Pavilion IV until the accommodation conditions determined by the valid regulations and standards are provided in the facility through reconstruction, adaptation or in another appropriate manner.

Administration for Enforcement of Penal Sanctions

The Administration for Enforcement of Penal Sanctions will take necessary measures so that all the institutions for enforcement of penal sanctions have the conditions to ensure that all persons deprived of their liberty, in the event of a ban or restriction of visits due to an epidemic or other extraordinary circumstances, can maintain contact with family members and other close people over the phone. If the ban or restriction is prolonged, it is necessary to provide other alternative means of communication, including communication over the Internet with the use of available programs for the transmission of images and sound.

The Administration for Enforcement of Penal Sanctions will provide the institutes for the enforcement of penal sanctions with sufficient adequate equipment for the detection and recognition of illicit substances.

The Administration for Enforcement of Penal Sanctions will employ enough individuals in the security services in accordance with the adequate systematization of jobs, which is based on the needs of the institution depending on the number and structure of persons deprived of their liberty serving sentences or detention.

The Administration for Enforcement of Penal Sanctions will provide a sufficient number of employed educators in all institutions for enforcement of penal sanctions, suitable for the implementation of efficient procedures and activities towards convicts in accordance with the established individual treatment programs.

In accordance with the needs, the Administration for Enforcement of Penal Sanctions will undertake activities to provide spatial, personnel and all other conditions for the establishment of the "Department without Drugs" in the institutes for the enforcement of penal sanctions.

The Administration for Enforcement of Penal Sanctions will undertake activities to improve the implementation of specialized and individualized treatment programs for convicts who have a problem of addiction to psychoactive substances, in order to be successfully re-socialized and reintegrated.

The Administration for Enforcement of Penal Sanctions will ensure that a wide range of treatment programs (therapeutic, educational, vocational training programs, learning social skills, etc.) are applied in the institutions for enforcement of penal sanctions, which are aimed at preserving the mental and physical health of convicts during serving a sentence, behavior change, vocational training, preparation for release and reintegration of convicts.

In all institutions for enforcement of penal sanctions, conditions will be created for the realization of individual goals that are set for convicts.

The Administration for Enforcement of Penal Sanctions will include employees engaged in treatment in all institutions for enforcement of penal sanctions in trainings and specialized professional training for working with convicts who have a problem with addiction to psychoactive substances.

The Administration for Enforcement of Penal Sanctions will provide conditions for the services of a psychiatrist to be provided in all institutions.

I-3 – Recommendations issued to the Ministry of Labor, Employment, Veteran and Social Affairs and social welfare institutions

Home for the mentally ill "Čurug"

The Home will inform the Provincial Secretariat for Social Policy, Demography and Gender Equality and the competent ministry about the inadequate number of professionals and other employees for adequate treatment of beneficiaries.

The Provincial Secretariat for Social Policy, Demography and Gender Equality and the competent ministry will take the necessary measures without delay to provide a sufficient number of professionals and other employees in day and night shifts for adequate treatment of beneficiaries and functioning of the Home in accordance with applicable regulations and standards.

In cases of non-cooperation or unsatisfactory cooperation of the competent social welfare centers, the Home shall inform the bodies responsible for the control of the work of the guardianship authorities.

The home will inform the Provincial Secretariat for Social Policy, Demography and Gender Equality and the competent ministry about the need for a new ambulance.

The Provincial Secretariat for Social Policy, Demography and Gender Equality, in cooperation with the competent ministry, will take the necessary measures within its competences in order to provide an ambulance for the needs of the Home.

The Home, in cooperation with the Provincial Secretariat for Social Policy, Demography and Gender Equality and the competent ministry, will take measures to accommodate a maximum of four beneficiaries in dormitories and get them equipped with furniture, in accordance with the Rulebook on detailed conditions and standards for providing social welfare services.

Also, the necessary measures will be taken in order to provide the Home with appropriate conditions for respecting the privacy of beneficiaries and to provide the required number of showers and bathrooms.

The Provincial Secretariat for Social Policy, Demography and Gender Equality, in cooperation with the Ministry of Labor, Employment, Veteran and Social Affairs, will provide the necessary financial resources for the Home to act in accordance with the ordered fire protection measures.

The Home will provide the means to print a brochure on the scope of work, the services it provides, the house rules with the rights and obligations of the beneficiaries, and the rules of conduct for employees.

The Home will deliver brochures on rights to beneficiaries, their legal representatives and third parties upon admission to the Home.

Gerontology Center Pančevo

GC Pančevo will take measures in order to organize the time on a daily basis for the beneficiaries in the medical section, in accordance with their possibilities, needs and health condition, and to fill it with appropriate activities and contents.

GC Pančevo will take measures to enable every dependent beneficiary, whose health condition allows it, to regularly go out into the fresh air and open space, with the help and support of the staff.

The Ministry of Labor, Employment, Veteran and Social Affairs will undertake activities to provide the required number and professional profile of employees in GC Pančevo, in order to harmonize the personnel capacity with the real needs caused by the increase in the number of beneficiaries.

GC Pančevo will take measures to provide all semi-independent beneficiaries with daily access to open space and fresh air, with the help and support of staff.

GC Pančevo will address the Provincial Secretariat for Education, Regulations, Administration and National Minorities - National Communities of Pančevo in order to translate house rules and other relevant information into the languages of national minorities. GC Pančevo will organize the printing of these documents and display them in a visible place.

GC Pančevo will compile a brochure on beneficiary rights, adapted and easy to read and understand. The brochure will be displayed in each beneficiary accommodation facility and will be delivered to beneficiaries and carers upon admission.

GC Pančevo will ensure the presence of doctors every working day throughout the day, while outside working hours, at night, on weekends and holidays, it will ensure the standby of doctors.

The institution, in cooperation with relevant health care institutions, will provide the necessary continuous education (specific for the elderly population, as well as for specific health problems of interest) for all health care workers in direct contact with beneficiaries.

GC Pančevo will provide detailed and continuous keeping of the beneficiary's medical history in the health records, so that it contains all relevant diagnostic information, including the anamnesis and description of the somatic condition of the beneficiary on admission to the institution.

The need for beneficiary therapy with psychopharmaceuticals, as well as the dose of the drug, time and method of application will be determined exclusively by a doctor in accordance with the rules of the medical profession.

Recommendations from the Thematic Report

"Human, Reproductive and Sexual Rights of Women with Disabilities in Social Welfare Institutions"

The Ministry of Labor, Employment, Veterans and Social Affairs and the Provincial Secretariat for Social Policy, Demography and Gender Equality will supervise the work of the competent social welfare centers and, based on the established situation, take measures to achieve the legally prescribed minimum contacts with the beneficiary during case work.

The Ministry of Labor, Employment, Veteran and Social Affairs and the Provincial Secretariat for Social Policy, Demography and Gender Equality will supervise the work of the competent social welfare centers and, based on the

established situation, will take measures to intensify contact between beneficiaries accommodated at social welfare institutions and their immediate guardians from the CSW.

The Ministry of Labor, Employment, Veterans and Social Affairs will prepare information regarding the procedure of checking and restoring legal capacity in customized formats, easy to understand and submit it to all residential social welfare institutions for distribution to beneficiaries.

The Institute for Accommodation of Adults "Male pčelice", the Home for Children and Youth with Developmental Disabilities "Veternik" and the Home for Children and Persons with Developmental Disabilities "Dr Nikola Šumenković" will ensure that beneficiary rooms are in accordance with the standards in relation to the prescribed square space per user.

Home "Veternik" should make additional efforts to provide beneficiaries from pavilions A1 and A2 unlimited access to the space outside these pavilions and contact and social interaction with other beneficiaries in the Home.

Home "Veternik" should make additional efforts in order to organize the time on a daily basis for the beneficiaries from pavilions A1 and A2 and to fulfill it with purposeful activities in accordance with their needs and preferences. This means the application of various activities within psychosocial rehabilitation, but also integration into programs that are provided to other beneficiaries in the institution.

Home for the Accommodation of Mentally Ill Persons "Sveti Vasilije Ostroški Čudotvorac" will enable beneficiaries accommodated in the women's psychiatric department to better integrate within the institution and in the local community.

The Institute for Accommodation of Adults "Male pčelice", the Home for Children and Youth with Developmental Disabilities "Veternik" and the Home for Children and Persons with Developmental Disabilities "Dr Nikola Šumenković" in Stamnica will ensure that no more than four people can be accommodated in multi-bed rooms and that the rooms are furnished and personalized in accordance with applicable standards.

The "Male pčelice" Institute will take measures and provide conditions for female beneficiaries with the need for a greater degree of support to have clothes and footwear appropriate to their age, weather conditions and size.

Home "Nikola Šumenković" in Stamnica will take measures and provide conditions for exercising the right to privacy of beneficiaries when showering by installing doors, curtains or otherwise on the shower.

Home "Sveti Vasilije Ostroški Čudotvorac" will take measures and provide conditions for exercising the right to privacy of beneficiaries when taking a shower, while respecting individual needs.

Home for Children and Youth with Developmental Disabilities "Veternik" and Home for Children and Persons with Developmental Disabilities "Dr Nikola Šumenkovic" in Starnica will organize accommodation for beneficiaries by gender, so that beneficiaries of the same sex are accommodated in the same room, respecting privacy, especially during care of immobile beneficiaries, so that care is provided by caregivers of the same sex as the beneficiary and that curtains are used during care.

The Institute for Accommodation of Adults "Male pčelice" will take measures to ensure that beneficiaries are accommodated in rooms with the appropriate number of beds in accordance with applicable regulations.

The Institute for Accommodation of Adults "Male pčelice" will take measures to provide accommodation in accordance with applicable regulations and standards for all beneficiaries, including the ones who need the highest level of support.

Home in Starnica will inform all beneficiaries about all rights and services available in the institution, in a clear and understandable, accessible and customized way.

Home for Children and Persons with Developmental Disabilities "Dr Nikola Šumenković" in Starnica and the Home for Children and Youth with Intellectual and Mental Disabilities in Veternik will provide appropriate training to employees, especially nursing and medical staff in the field of human rights and actions in implementing programs and services intended for persons with disabilities.

The Ministry of Labor, Employment, Veteran and Social Affairs will undertake activities to provide the necessary number of medical and nursing staff necessary to work with beneficiaries in these institutions, in order to harmonize staff capacity with the real needs of increasing number of beneficiaries.

Home for Children and Persons with Developmental Disabilities "Dr Nikola Šumenković" in Starnica, Gerontology Center "Jelenac", Working Unit for Accommodation of Adults and the Elderly with Intellectual and Mental Disabilities in Tešica, Home for Children and Youth with Intellectual and Mental Disabilities in Veternik and The Home for the Accommodation of Mentally Ill Persons "Sveti Vasilije Ostroški Čudotvorac" in Novi Bečej and the Institute for the Accommodation of Adults "Male pčelice" will ensure that, during the subsequent introduction of each new medical measure, the patient's consent

is sought on a special form, with prior informing the patient about his/her condition and proposed measure.

Home for Children and Youth with Disabilities "Veternik", Home for Children and Persons with Disabilities "Dr Nikola Šumenkovic", Home "Sveti Vasilije Ostroški Čudotvorac" and Gerontology Center "Jelenac" - Working unit for adults and the elderly with intellectual disabilities and mental health problems in Tešica will ensure that beneficiaries are informed, in a way that is understandable to them, about methods of preventing sexually transmitted diseases and unwanted pregnancies in order to preserve reproductive health and will be provided with adequate protection.

The attending doctor at the Home in Stamnica shall, before applying the medical measure, provide the patient and his/her legal representative with all the information in an appropriate manner in accordance with Art. 11. of the Law on Patients' Rights and in writing in accordance with Art. 16 of the Law on Protection of Persons with Mental Disorders and obtain written consent for a medical measure.

Gerontology Center "Jelenac" - Working unit for accommodation of adults and the elderly with intellectual and mental disabilities in Tešica, in cooperation with the local self-government unit, will take measures to organize regular systematic gynecological examinations for the beneficiaries of the Home once a year.

The Institute for Accommodation of Adults "Male pčelice" will provide funds for printing a brochure on the scope of work, services it provides, house rules with the rights and obligations of beneficiaries, and rules of conduct for employees.

The Institute for Accommodation of Adults "Male pčelice" will hand over brochures on rights to beneficiaries, their legal representatives and third parties upon admission to the Institute.

The Institute for Accommodation of Adults "Male Pcelice" will establish a unique record of beneficiary complaints, which will contain information on the number and date of filing the complaint, activities undertaken, and actions taken, as well as the outcome of the complaint.

The management of the Home in Tešice, Stamnica, the Institute of "Male Pcelice", the Home "Sveti Vasilije Ostroški Čudotvorac" and the Home Veternik will make a plan of professional development for employees in institutions in the field of protection of human, sexual and reproductive rights and freedoms of persons with disabilities, as well as manifestations of gender-based violence.

The managements of the institutions: the Home in Tešice, the Home in Stamnica, the Institute of "Male Pcelice", the Home "Sveti Vasilije Ostroški Čudotvorac" and the Home Veternik will organize conferences, workshops and programs in the field of protection of human, sexual and reproductive rights and freedoms of persons with disabilities, as well as manifestations of gender-based violence that are gender sensitive, accessible and inclusive for the beneficiaries of institutions.

1-4 – Recommendations issued to the Ministry of Health and psychiatric institutions

Clinical Center of Vojvodina – Clinic for Psychiatry

The Clinical Center of Vojvodina will immediately provide material conditions that will enable a positive therapeutic environment at the Clinic for Psychiatry by: painting rooms, replacing worn-out mattresses with new ones, repairing or replacing clocks, decorating walls and spaces where patients stay.

The Clinical Center of Vojvodina will improve the material conditions and space capacity intended for inpatient psychiatric treatment of children and adolescents.

For voluntary placement of persons with mental disorders in a psychiatric institution and for the consent of persons with mental disorders to a medical measure, the Clinic will not use the form "Consent to hospital treatment and medical measures" which stipulates that the patient simultaneously consents to admission to hospital treatment and lump sum consent for implementation of medical measures.

The Clinical Center of Vojvodina will harmonize the procedure and forms for admission of persons with mental disorders for treatment at the Clinic of Psychiatry with valid regulations and standards so that the patient agrees to accommodation at the Clinic, i.e. to hospital treatment, separate from consent to a certain proposed medical measure/s.

The clinic will ensure that during the subsequent introduction of each new medical measure, the consent of the previously informed patient, i.e. his/her legal representative, is sought for the application of a specific, proposed measure/s.

The Clinical Center of Vojvodina will improve the written procedure for keeping persons with mental disorders in treatment at the Clinic for Psychiatry

without their consent by completing it, in accordance with applicable regulations, in a way that includes:

- the actions of a psychiatrist when it is determined that there are health reasons for inpatient treatment and detention without the consent of persons with mental disorders,
- the procedure of treatment without the consent of persons with mental disorders, and
- actions when a person with mental disorders wants to file an appeal against the decision on detention, i.e. placement in a psychiatric institution.

The clinic will supplement the records on the application of the measure of physical restraint with a mechanical restriction, so-called fixation, so that it also contains the following data:

- a description of the measures applied before the mechanical restraint;
- the type of means used for the mechanical restraint;
- a description of the medical measures applied during the mechanical restraint;
- data on periodic visits of the patient according to whom the measure of mechanical restriction was applied and monitoring of his health condition by the psychiatrist (number of visits, exact time and duration of visits, performed actions);
- information on the time of informing the head of the Clinic or another person authorized by the head on the applied measure of mechanical restriction, as well as information on whether and when the legal representative or member of the patient's immediate family was notified;
- patient's statements and comments during and immediately after the mechanical restraint measure has been applied to him/her.

The Clinical Center of Vojvodina, the Provincial Secretariat for Health and the Ministry of Health, within their competencies, will undertake activities to provide an adequate profile and number of doctors for children, suitable to provide health care to these patients in accordance with applicable regulations and standards.

The Ministry of Health and the Provincial Secretariat for Health within their competencies, will undertake activities for the establishment of services for the protection of mental health in the community, with the provision of necessary resources, and for prevention, improvement and post-hospital treatment of patients in the community.

The clinic will develop accessible and tailored rehabilitation psychosocial activities for patients and include all patients in psychosocial rehabilitation programs according to their needs and tailored to their capabilities.

The clinic will take measures to enable all patients, whose health condition allows it, to spend time in the fresh air every day, if they wish, regardless of the weather conditions.

The clinic will encourage patients to spend time in the fresh air.

The Clinical Center of Vojvodina, the Provincial Secretariat for Health and the Ministry of Health, within their competencies, will undertake activities to provide the required number and professional profile of employees at the Clinic of Psychiatry, suitable to provide all patients with health care in accordance with applicable regulations and standards.

The Clinical Center of Vojvodina will take the necessary measures and activities aimed at preventing adverse events and ensuring the safety of employees, patients and visitors at the Clinic of Psychiatry, by installing video surveillance in the corridors of the department, metal detector doors at the entrance to the building or otherwise.

The clinic will ensure that information on patients' rights and mechanisms for their protection is clearly visible and in an appropriate form accessible to all patients in hospital treatment (posters, brochures, etc.).

The clinic will make the Book of Complaints and the Book of Impressions available to all patients who are hospitalized, in visible places within the department, and will set up boxes for remarks, check and review their contents more often, in order to take corrective or preventive measures in a timely manner.

General Hospital Jagodina - Psychiatry Service

The Ministry of Health will undertake activities in order to establish a center for the protection of mental health in the community, while providing the necessary resources, and for the prevention, treatment and rehabilitation of patients in the community and the improvement of mental health.

The hospital will create conditions and enable patients from the Psychiatry unit to spend a certain amount of time outdoors, regardless of the weather conditions.

The hospital will keep a special book on the application of the measure of physical restraint by mechanical restraint, in which all important data on the application of the measure will be entered, as follows:

- reasons for applying the mechanical restraint measure;
- a description of the measures applied before the mechanical restraint;
- the type of device used for mechanical restraint
- information on the place (room) in which the mechanical restriction measure was applied;
- exact time (day/hour/minute) of the beginning of the mechanical restriction measure;
- the name of the psychiatrist who made the decision to apply the mechanical restraint measure;
- a description of the medical measures applied during the mechanical restraint;
- a description of any possible injuries to the patient to whom the mechanical restraint measure was applied (occurred before and during the application of the measure), as well as possible injuries to other patients or healthcare workers (occurred in the event preceding the mechanical restraint);
- data on periodic visits of the patient according to whom the measure of mechanical restriction was applied and monitoring of his health condition by the psychiatrist (number of visits, exact time and duration of visits, performed actions);
- information on the time of notifying the director of the Clinic or another person authorized by the director on the applied measure of mechanical restriction, as well as information on whether and when the legal representative or close family member of the patient to whom the measure was applied was notified;
- states and comments of the patient during and immediately after the measure of mechanical restraint was applied to him;
- exact time (day/hour/minute) of completion of the mechanical restriction measure.

The measure of physical restraint by mechanical restraint shall not be applied in the room where patients are accommodated according to whom this measure has not been applied.

The hospital will provide a special room or place for the application of the measure of physical restraint by mechanical restraint of the patient, to which other patients will not be allowed access during the application of that measure.

The hospital will provide training to health workers on the conditions and procedure for applying the measure of physical restraint of anxious patients,

as well as training in the application of advanced techniques of nonviolent physical restraint, in accordance with a special plan for training health workers on the manner and procedure of applying physical restraint.

The hospital will inform the Ministry of Health about the missing number and professional profile of employees, i.e. about the need to hire an occupational therapist.

The Ministry of Health will undertake activities to fill the vacant position of occupational therapist.

The hospital will develop a program of continuous specialist education of mid-level medical staff through the identification of needs, a possible plan of cooperation with various educational institutions and organizations and the introduction of procedures for monitoring the organization of training and evaluation of results and acquired knowledge and skills.

The hospital will continuously and often open the boxes for remarks and praises, check their contents and consider the remarks and impressions, in order to take timely measures of a corrective or preventive nature.

I-5 – Recommendations made to improve the treatment of refugees / migrants

Commissariat for Refugees and Migration

The Commissariat for Refugees and Migration will take the necessary measures to ensure that all persons accommodated in RC Obrenovac sleep in solid facilities and to put the tents out of use, and in case there is an urgent need to use the tents in the future, to take the necessary measures. They would be spacious enough and adequately equipped for people to stay, but not longer than a few days.

The Commissariat for Refugees and Migration will immediately relieve the accommodation capacities in RC Obrenovac and reduce them to a number that is suitable for the humane stay of migrants.

The Commissariat for Refugees and Migration will take the necessary measures to provide migrants accommodated in the Reception Center in Obrenovac with a sufficient number of adequate toilets and conditions for maintaining hygiene, as well as a sufficient number of hot water showers, in proportion to the number of migrants staying there.

The Commissariat for Refugees and Migration will take the necessary measures without delay to ensure that all toilets are properly cleaned at least once a day and that water tanks are provided in each toilet.

The Commissariat for Refugees and Migration will take the necessary measures to remove raphols in RC Adaševci, and in case there is an urgent need for their use in the future, to take the necessary measures so that they are spacious enough and adequately equipped for short-term stay of migrants.

The Commissariat for Refugees and Migration will free up the accommodation capacities in RC Adaševci without delay and reduce them to a number that is suitable for the humane stay of migrants.

The Commissariat for Refugees and Migration will take the necessary measures to provide adequate toilets and conditions for maintaining hygiene for migrants accommodated in the Reception Center in Adaševci, as well as a sufficient number of hot water showers, in proportion to the number of migrants staying there.

The Commissariat for Refugees and Migration will take the necessary measures without delay to ensure that all toilets are properly cleaned at least once a day and that water tanks are provided in each toilet.

The Commissariat for Refugees and Migration will engage a sufficient number of officials in RC Adaševci and RC Obrenovac in order for all activities on the reception and care of migrants to be performed smoothly and with quality.

The Commissariat for Refugees and Migration will post information on the possibility of submitting a complaint to the Protector of Citizens and contact details of the Protector of Citizens (seat address, telephone number and e-mail address) in all centers for reception and care of migrants, in a visible place and in the languages most often spoken by migrants.

The Commissariat for Refugees and Migration will not take any measures against migrants in cases of disorder in the reception and care centers but will inform the competent authorities - the Asylum Office⁴⁷ and Police - if it is a misdemeanor or criminal offense.

The Commissariat for Refugees and Migration will send a clear message to its officials, which contains a clear position that torture and other cruel, inhuman

⁴⁷ Art. 58, paragraph 2 of the Law on Asylum and Temporary Protection ("Official Gazette of RS", No. 24/18): On non-compliance with the obligations from paragraph 1, item 3), 7) and 9) of this Article, the authorized official of the asylum center or other facility for accommodation of asylum seekers shall notify the Asylum Office, which shall take measures referred to in Article 78 of this Law.

or degrading treatment or punishment is absolutely forbidden and that there will be zero tolerance for such acts at the level of the entire Commissariat.

Recommendations from the Report on the visit of the Niš Border Police Station and the Konstantin Veliki Airport

The Ministry of Internal Affairs will take the necessary measures so that the registration of foreigners who have expressed their intention to apply for asylum can be done at the Niš - Airport Border Police Station.

The "Konstantin Veliki" Airport will provide enough beds in the room for accommodation of foreigners who have been denied entry to the country, in accordance with the available space.

The "Konstantin Veliki" Airport will provide air conditioning devices in the room for accommodation of foreigners who have been denied entry to the country, which will enable the maintenance of the appropriate temperature in the room, in accordance with the weather conditions.

The "Konstantin Veliki" Airport will place a button for calling officials in the room for accommodation of foreigners who have been denied entry to the country.

The "Konstantin Veliki" Airport will allow foreigners who are in the room for accommodation of foreigners who have been denied entry to the country for more than 24 hours to regularly stay in the fresh air to perform physical activities for at least 1 hour a day.

The "Konstantin Veliki" Airport will display information on legal aid providers in a visible place in the room for accommodation of foreigners who have been denied entry to the country.

The "Konstantin Veliki" Airport will enter data relevant for the stay of foreigners in the room for accommodation of foreigners who have been denied entry to the country. As a minimum, data on the time of the start of the foreigner's stay in this room, on meals/food, on the provided health care, on the time of removal from the room and on the time of final leaving the room will be entered.

Recommendations from the Report on the visit to the Belgrade Border Police Station and Nikola Tesla Airport

The Belgrade Border Police Station at Nikola Tesla Airport will display the contacts of competent domestic and international organizations that provide assistance to these persons in exercising their rights in a visible place in the room where persons denied entry to the Republic of Serbia are

accommodated, and this information will be translated to the languages spoken by the largest number of foreigners (English, Arabic, Farsi, Urdu ...).

Nikola Tesla Airport will provide a room for accommodation of foreigners who have been denied entry to the country in accordance with the valid standards, and until then they will take measures to improve the conditions of accommodation in the existing room.

I-6 – Recommendations issued to the Ministry of Defense and the Serbian Armed Forces

Improve the material conditions in the disciplinary premises where it is needed, so as to ensure a sufficient supply of fresh air and adequate natural and artificial lighting.

Provide the planned capacity of the disciplinary premises in which it is necessary, i.e. the number of beds with the area of these premises, in accordance with the valid living space standards.

Replace worn-out sanitary appliances where necessary.

Ensure that sanctioned soldiers, in disciplinary premises where necessary, are always able to have direct contact with soldiers in charge of supervising them, by installing call buttons or video surveillance or in any other convenient way.

Review and improve the provisions of the instructions regarding the manner of enforcement of disciplinary sanctions, which consist of the prohibition of removal from special premises in a military facility.

In the disciplinary rooms in all barracks, visibly point out the schedule of daily activities.

To enable the visits to sanctioned soldiers to take place in privacy, i.e. without direct oversight of the visits.

Document in writing the information on the treatment of the sanctioned soldier and the events during the execution of the sanction (time of tours, execution and return to the room, meals, activities, etc.).

Provide for a medical examination of the sanctioned soldier before the start of the sanction.

Anticipate a conversation between a psychologist and a sanctioned soldier before the start of the sanction.

Ensure that only medical personnel provide therapy to the sanctioned soldier. Inform the sanctioned soldiers, before the beginning of the execution of the sanction, about the possibility of submitting a complaint to the Protector of Citizens.

1-7 – Recommendations made regarding the oversight of the procedures of forced removal of foreigners

The Shelter for Foreigners will issue certificates of submission of application to foreigners.

The Shelter for Foreigners will not require foreigners to sign certificates of returned items if the temporarily seized items are not returned to them but are handed over to officials of the countries to which they are moved.

The Ministry of Interior will ensure that a qualified medical worker, who has the title of least medical technician to be present on daily basis at the Shelter for Foreigners to perform medical screening of all newly arrived foreigners, receive requests for medical examinations, provide procurement and distribution of therapy, keeps medical documentation and supervise general hygienic conditions.

The Ministry of Interior will ensure that in the decision-making process on the return:

- the foreigner has the opportunity to indicate that he/she is in danger of persecution in a particular country because of his/her race, gender, sexual orientation or gender identity, religion, nationality, citizenship, social group or political opinion, or where he/she is at risk of being executed, at risk of death penalty, torture, inhuman or degrading treatment or punishment, or serious violation of the rights guaranteed by the Constitution;
- the competent authority assesses these allegations of the alien and determines whether there are reasons for prohibiting forced removal in a particular case;
- the allegations of the alien and the determination of the competent authority on the prohibition of forced removal shall be stated in the explanation of the decision on return.

The Ministry of Interior will inform all foreigners in a timely manner, and at least 24 hours in advance, about the implementation of the forced removal.

The Ministry of Interior will provide continuous psycho-social support to foreigners who are in the process of forced removal.

The Ministry of Interior will ensure that a qualified health worker is present at the Shelter for Foreigners on a daily basis, who will perform medical screening of all newly arrived foreigners, receive requests for medical examinations, ensure procurement and distribution of therapy, keep medical documentation and monitor general hygiene conditions.

The Ministry of Interior will offer all foreigners, after being informed about the date of forced removal from the country, to inform the person of their choice.

Police officers will not carry firearms in a visible manner during the transport of children who are forcibly removed.

The Ministry of Interior will ensure that in the decision-making process on the return of:

- the foreigner has the opportunity to indicate that he/she is in danger of persecution in a particular country because of his/her race, gender, sexual orientation or gender identity, religion, nationality, citizenship, social group or political opinion, or where he/she is at risk of being executed, at risk of death penalty, torture, inhuman or degrading treatment or punishment, or serious violation of the rights guaranteed by the Constitution;
- the competent authority assesses these allegations of the alien and determines whether there are reasons for prohibiting forced removal in a particular case;
- the allegations of the alien and the determination of the competent authority on the prohibition of forced removal shall be stated in the explanation of the decision on return.

ADDENDUM II

Agreement on Cooperation

Concluded between:

Republic of Serbia Protector of Citizens

and

the Association (hereinafter: the Association)

This Agreement regulates the cooperation that the Protector of Citizens will achieve with the Association in performing the work of the National Mechanism for the Prevention of Torture (hereinafter: NPM), based on the Decision of the Protector of Citizens No. 419-45/2018, ref. No. 20499 of 19 June 2020 on the selection of associations with which the Protector of Citizens will cooperate in performing the activities of the NPM and in accordance with Article 2a paragraph 2 of the Law on Ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (*"Official Gazette of Serbia and Montenegro - International Contracts"*, No. 16/05 and 2/06 and *"Official Gazette of RS – International Contracts"*, No. 7/11).

Cooperation of the Protector of Citizens with the Association in performing the activities of the NPM will be carried out through the participation of representatives and permanent professional associates of the Association in:

- visits to places where persons deprived of their liberty are or may be (hereinafter: PDLs);
- preparation of reports or parts of reports on visits to places where PDLs are or may be located;
- development of recommendations for elimination of identified shortcomings in the work of institutions where PDLs are or may be located;
- providing expert findings and opinions on the state of health, especially after physical injuries and mental pain suffered as a result of any form of ill-treatment;
- dialogue between the NPM and the competent authorities regarding the implementation of the recommendations of the NPM and improving the status of PDLs;

- preparation of reports or parts of thematic reports on the situation in the field of PDLs positions;
- compiling attachments for NPM annual reports;
- preparation of analyzes and/or opinions on regulations or draft regulations governing the position, rights and obligations of PDLs;
- training of NPM team members to visit places where PDLs are or may be located;
- training of employees in institutions where LLS are located;
- participation and presentation at gatherings organized by the NPM in order to promote the prevention of torture and the fight against impunity for torture, as well as the performance of other activities of the NPM, in accordance with Article 2a paragraph 2 of the Law on Ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

In all acts of the NPM in the creation of which the Association participated, its contribution will be indicated, and the logo of the Association will be prominently displayed.

The Association is authorized to present its role in performing the activities of the NPM in its acts and addresses to the public.

The information obtained by the Association in the activities specified in this Agreement, the Association will not use for purposes other than the performance of NPM activities.

Confidential information obtained by the Association on the basis of participation in the performance of NPM activities will be kept secret.

Personal data may not be published without the express consent of the person concerned.

Legal and natural persons have the right to access classified data, in the manner and under the conditions determined by Article 46 of the Law on Data Secrecy (*"Official Gazette of RS", No. 104/09*), i.e. persons who provide services to the Protector of Citizens on the basis of agreements.

Mentioned persons are obliged to confirm in a written statement that they are familiar with the Law on Data Secrecy and the Rulebook for establishing the system of procedures and measures for protection of classified data in the Protector of Citizens (*No. 272-292 / 2018, ref. No. 10767 dated April 3, 2018*).

Access to documents marked with higher levels of secrecy is possible for persons who have the appropriate certificate or permit from the competent state authority.

A person who uses secret information, or has become acquainted with its contents, is obliged to keep it, in a purposeful manner and from everyone (regardless of the manner in which he learned about that information) even after the termination of employment or function in the Protector of Citizens, i.e. duties or membership in the Association.

In case of loss, theft, damage, destruction or unauthorized disclosure of classified information, the person who comes to that knowledge, without delay, notifies the competent (authorized) person in the Protector of Citizens. Then, the necessary measures are taken to determine the circumstances due to which the extraordinary event occurred, and an assessment is made of the possible or caused damage. If the damage has occurred, activities are carried out to eliminate or reduce it. In addition to the termination of the contract, the authorized person shall inform the competent authority about the measures taken.

The Association is entitled to remuneration for the work of a representative engaged to perform the activities of the NPM, in accordance with a special act of the Protector of Citizens.

Cooperation achieved on the basis of this Agreement does not affect the exercise of the competencies of the Protector of Citizens and the activities of the Association based on applicable regulations.

Upon the entry into force of this Agreement, the Association shall designate an authorized person to cooperate with the Protector of Citizens in the performance of NPM activities and shall inform the Protector of Citizens thereof.

Amendments to this Agreement may be made in accordance with the will and in writing.

The agreement is concluded for a period of one year from the day of its conclusion and can be extended for a period of another year by the consent of the will and in writing.

The Agreement is made in four identical copies, two for each signatory party.

PROTECTOR OF CITIZENS

ASSOCIATION

CIP - Каталогизација у публикацији
Народна библиотека Србије, Београд